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*Provisional*

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Monday, 4 December 2023, 10 a.m.

New York

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*President:* Mr. De la Gasca López Domínguez . . . . . (Ecuador)

*Members:*

Albania . . . . .	Mr. Stastoli
Brazil . . . . .	Mr. França Danese
China . . . . .	Mr. Geng Shuang
France . . . . .	Mrs. Dime Labille
Gabon . . . . .	Mrs. Onanga
Ghana . . . . .	Ms. Oppong-Ntiri
Japan . . . . .	Mrs. Shino
Malta . . . . .	Ms. Gatt
Mozambique . . . . .	Mr. Fernandes
Russian Federation . . . . .	Ms. Zabolotskaya
Switzerland . . . . .	Mr. Hauri
United Arab Emirates . . . . .	Mr. Al Nahyan
United Kingdom of Great Britain and Northern Ireland . .	Mr. Eckersley
United States of America . . . . .	Mr. Wood

## Agenda

Threats to international peace and security

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*The meeting was called to order at 10.05 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Threats to international peace and security**

**The President** (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Iraq to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Christian Ritscher, 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, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Ritscher.

**Mr. Ritscher:** I am pleased to present the eleventh report of the United Nations Investigative Team to Promote Accountability for the Crimes Committed by Da'esh/ISIL (UNITAD). The report and my update to the Security Council today include significant milestones in the work of the Team and comes at a critical juncture for the Team itself and its future direction.

As a priority, UNITAD remains committed to delivering on its core mandated tasks as stipulated in resolution 2379 (2017), conducted in line with the terms of reference. The Team has equally taken steps since September to implement resolution 2697 (2023), which extends the mandate of UNITAD only until 17 September 2024 and requests it to fulfil additional tasks towards the implementation of both resolutions.

Over the past weeks, I have been working closely with our counterparts in the Government of Iraq on that and wish to take a moment to specifically acknowledge the time, thought and effort they have dedicated in that regard, their continued support of our work and the constructive consultations we have started in follow up of resolution 2697 (2023). That was apparent during a number of my meetings, particularly with the Deputy Prime Minister and Minister for Foreign Affairs, the National Security Adviser and the Chair of the National Coordinating Committee. I have also had the opportunity to speak with counterparts in

the Kurdistan Regional Government, who have been equally supportive and forthcoming in their views. In those meetings and elsewhere, I have sought to underline how UNITAD has adjusted its priorities against the backdrop of those two resolutions and to articulate the concerns the Team has for its work based on the current timeline ahead of it.

One such priority has been to ensure that our investigations conclude in a deliberate and orderly manner, so that a body of meaningful outputs produced by the Team can be used effectively to serve international criminal investigations and proceedings, both in Iraq and beyond. To that end, during the reporting period, the Team finalized and shared with the Iraqi judiciary a comprehensive case assessment report on the development and use of chemical weapons by ISIL. That includes extensive investigative findings based on three years of dedicated fieldwork. The report is a milestone in our pioneering line of investigations that examines how ISIL developed and deployed chemical weapons in Iraq, including against the Shia Turkmen minority in the town of Taza Khurmatu.

Furthermore, the Team published a comprehensive assessment detailing the heinous crimes of sexual violence perpetrated by ISIL during its brutal reign. The report was published yesterday and highlights the extensive nature of those acts against Iraqi women and girls from all affected communities. That accompanies case assessments shared previously with Iraqi judicial counterparts focused on ISIL's financing network, and those that are forthcoming from other investigations, notably the crimes committed against the Yazidi and Christian communities, the attack on Badush prison and the massacre of unarmed military personnel and cadets at the Tikrit Air Academy, known as Camp Speicher.

It is important to underline that, when those assessments are shared, they are delivered in line with our mandate and terms of reference.

More broadly, investigative resources of the Team have been shifted to expedite less advanced investigations and their planned outputs. I have aimed to underline that shift in our investigative strategy to my counterparts in Iraq, and I formally shared a list of expected investigative reports over the coming months. However, it is important to keep in mind that, despite a shift of resources and intensifying our efforts, it will likely be the case that, by September 2024, the Team will not be able to deliver final outputs on all the lines

of inquiry it has initiated, but will be able to deliver only preliminary findings for those lines of investigations, rather than comprehensive reports.

Furthermore, the Team will also be deprioritizing what cannot be completed within one year. That includes some key but complex investigations, such as the crimes committed by ISIL in Mosul; ISIL's destruction of cultural heritage; ISIL's pillaging of oil and other natural resources in Iraq; the question of ISIL's genocidal intent towards the Shia community; and the Team's work on Al-Hol returnees, a file that is expected to need years of work in Iraq and elsewhere. Most probably, none of the outputs of those various investigative lines will be aimed at producing a final outcome.

During my previous briefing in June (see S/PV.9341) I highlighted the importance of ensuring that the work of the Team should not just establish a record of international crimes committed by ISIL but should be used to hold the ISIL members who committed those crimes to account through evidence-based trials and before competent courts, in Iraq as well as third States. A practical example of that is what UNITAD has been doing based on its investigative work through the Team's cooperation with the Iraqi judiciary to develop joint case files of alleged ISIL perpetrators in third States. During the reporting period, the first such joint case file was developed and shared with the third State concerned. That supported investigations into an alleged ISIL perpetrator for international crimes committed in Iraq and ultimately helped lead to the suspect's arrest. The Team intends to move forward with this joint modality, as it represents a framework through which the Team and Iraq can cooperate meaningfully and closely, share information and use their respective evidence and knowledge to hold ISIL members accountable for their international crimes.

In parallel, UNITAD remains committed to supporting Iraq domestically in establishing a legal basis for investigating and prosecuting international crimes. During the reporting period, the Team worked closely with its Iraqi counterparts through that Iraq-led process and provided a series of technical comments on a proposed piece of draft legislation and its alignment with international and customary law. In September, UNITAD organized a workshop for Iraqi lawmakers and legal experts hosted by the Iraqi Council of Representatives. Two prominent international law experts presented and discussed with

national stakeholders details regarding the necessary legal framework and principles relevant to the process of domesticating international criminal law in Iraq. The establishment of such a legal basis for international crimes would open new horizons for Iraq, as it paves the way for trials of ISIL perpetrators on such charges with the participation of Iraqi victims and witnesses. That is not only what UNITAD is meant to support, but it is also the main demand of victim and survivor communities in Iraq, which is to have their day in court.

The work of the Team is not only about investigations but also about evidence management. One of our priorities in that regard during the reporting period has been positioning our evidence collection, preservation and management capabilities to support what will be agreed on in the light of the upcoming report of the Secretary-General and the road map, which UNITAD will develop in consultation with the Government of Iraq, as requested in resolution 2697 (2023).

UNITAD holdings currently contain 39 terabytes of information that has been collected over the last five years from a diverse range of sources. It is a substantial amount of data that includes records collected from Iraqi authorities — the vast majority of the information — as well as from civil society organizations and open sources, together with statements and other materials collected from individuals in Iraq, mostly witnesses. A large majority of that reservoir of evidence has been processed and added to the Team's electronic discovery platform and is accessed daily by its investigators, lawyers and analysts for their work, although some of the data that the Team has collected has yet to be processed. During the reporting period, other evidence was added to those holdings, notably through cooperation with the Iraqi judiciary in the area of digital forensics, digitization and archiving, as well as forensic data obtained through the excavation of a dozen new mass graves in support of the Iraqi mass-grave and medical-legal directorates.

What will happen with those holdings and how they can be shared with Iraq remain at the heart of resolution 2697 (2023). The Team looks forward to further guidance to that end in the report of the Secretary-General forthcoming next month, and intends to further develop the road map based on that in consultation with the Government of Iraq. During those consultations the Team will be ready to articulate the core principles that have guided its evidence collection, storage and sharing with its counterparts. UNITAD adheres to

those principles to ensure the broadest possible use and admissibility of the evidence before national courts and by national investigative and prosecutorial authorities, as set out in its terms of reference. In the past few years, the Team has successfully maintained and managed that reservoir of evidence holdings and provided support accordingly. We have worked on specific requests for assistance to support specific investigations and shared tailored information, in line with the Team's mandate. When it comes to sharing, the Team examines whether the requesting national judicial authority has the jurisdiction and competence to hold ISIL accountable for acts that may amount to war crimes, crimes against humanity or genocide. That is done on a case-by-case basis, and support has been provided when there are prospects for charging international crimes and when the information provider consents to such sharing.

I assumed my responsibilities as Special Adviser in the firm belief that Iraq was UNITAD's main ally and partner, and that has not changed in any way. The Council knows better than anyone that the consent of the host Government in any given context is key to the conduct of the work of a United Nations mission, but I would like to stress that it is even more crucial for an investigative team with a unique mandate such as UNITAD's. Since the beginning, the Team has been working in Iraq, at the request of its Government and in partnership with Iraqi counterparts, to investigate ISIL crimes against all the communities affected in the country. We have conducted our work accordingly, in full respect for the sovereignty of Iraq, and will continue to do so. It remains up to Iraq to exercise its sovereign right to decide on the future of the mission.

However, I would like to stress that a premature and abrupt ending for UNITAD would only be a loss for all concerned. That is why I urge the Government of Iraq and Council members to give due consideration to the end state of our mandate rather than the end date. Over the coming weeks and months, I will continue to work closely with all Iraqi counterparts to furnish possibilities and present different scenarios. It will be up to Iraq to choose an option, and we will of course abide by that choice. While UNITAD was never meant to last forever, we all have a collective responsibility to ensure that the work it has done will not be lost.

I was particularly encouraged to hear recently from the Chair of the National Coordinating Committee, Zaidan Khalaf Al-Atwani, that we are on the same page. Our shared goal is to ensure that the work of the Team

can be used to support accountability efforts in Iraq and all over the world. We also agreed that the capacity-building and support that the Team is providing to Iraqi authorities must not only continue but intensify, in order to ensure that national capacities remain sustainable and operational in the long term. That includes areas such as digital forensics, evidence preservation and management and mass grave excavations, as well as technical assistance to the witness-protection department within the Iraqi Ministry of the Interior and training for local non-governmental organizations (NGOs) and the Ministry of Health in the area of psychological support. All of that support provided by UNITAD has continued to progress during the reporting period. The Team has worked tirelessly to better enable its national counterparts to conduct their work independently and without the Team's involvement in future.

One of UNITAD's most tangible outputs is its support to third-State investigations and prosecutions. It ensures that the gap in global accountability will not expand and allow impunity to persist further. The Team has supported 209 requests from 20 third States so far, and the demand for that support has been growing and can only be expected to continue. Whether with regard to ISIL foreign fighters who have returned to their countries of origin, ISIL spouses who claim that they had no idea about ISIL's reign of terror or perpetrators who have fled Iraq to seek safe havens abroad, the large number of ISIL perpetrators around the globe will only fuel that demand. We must not forget that many of those perpetrators were very young when they committed their crimes, and they may face investigations and charges for international crimes in the decades to come.

The function that UNITAD fulfils in that regard, namely, cross-checking against its evidence holdings, identifying witnesses and taking testimony to support third States, is a concrete measure of global accountability by any stretch and a monumental step in combating impunity. To a large extent, investigations and trials against ISIL perpetrators who tried to escape justice would not be possible in those countries if my Team had not provided legal assistance. It has always been our goal to close impunity gaps throughout the world. ISIL perpetrators who committed heinous mass atrocities against Iraqi citizens must not remain unpunished, wherever they try to hide. In addition, personally in my former capacity as a Federal Public Prosecutor and head of a war crimes unit in Germany,

I was glad to benefit from the expertise of a responsive investigative team. UNITAD has always been able to close the gaps within the chain of proof. That has enabled the Team to contribute significantly to convictions of ISIL defendants throughout the world.

Let me stress that I commend Iraq's commitment to supporting our cooperation with third States. I am pleased to note that, with the approval of the Chief Justice, the Foreign Minister and the Chair of the National Coordinating Committee, an agreed modality that better outlines the Team's evidence-sharing with third States has been concluded, as per resolution 2697 (2023). The Team also worked during the reporting period to better communicate to the Government of Iraq what previous evidence had been shared with third States, again as per resolution 2697 (2023), and remains engaged with all relevant counterparts to that end.

Let me conclude my remarks with a reflection based on my recent engagements with affected communities in Iraq — those who are the victims and witnesses of ISIL and its heinous crimes. They are the ones who see the work of UNITAD as a beacon of hope and an opportunity to have their voices heard, their suffering acknowledged and their stories told. They are the ones demanding that the crimes from which have they suffered be adjudicated as international crimes, whether they concern alleged acts of genocide, war crimes or crimes against humanity.

I was reminded of that during a recent discussion with a father of a Camp Speicher massacre victim who, with other affected families, founded a non-governmental organization dedicated to serving justice for their loved ones who were victims of that atrocious massacre. I was reminded of that during a mission to Al-Anbar, where I stood together with local officials, tribal leaders, survivors and civil society representatives at the crime scene of ISIL massacres against Sunnis who refused to pledge their allegiance to the group. The completion phase of the Investigative Team should not mean that their hope for justice and their quest for accountability dims with it. A meaningful completion of our mandate and an orderly transition must be a guarantee for them.

We must ensure that those who had the courage to speak up against ISIL crimes are not let down or left behind. We must make certain that their security is assured, that they are protected and that the trauma they have endured because of what they experienced and seen can be addressed. And we must ensure that

those who have not spoken up yet, but want to exercise their right to come forward, can do so of their own accord in a safe and welcoming forum. We must keep the common goal of serving justice for those victims and survivors in our hearts and minds as we continue to implement the resolutions of the Council and our collective work. I kindly thank Council members for their continued support.

**The President** (*spoke in Spanish*): I thank Mr. Ritscher for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

**Mr. Eckersley** (United Kingdom): I would like to thank the Special Adviser for presenting the eleventh report of the United Nations Investigative Team to Promote Accountability for the Crimes Committed by Da'esh/ISIL (UNITAD) and for all the work of the Team. The United Kingdom continues to value UNITAD's important contribution to holding members of Da'esh accountable for their appalling crimes. We welcome the progress that UNITAD has made since the previous briefing to the Security Council on this issue (see S/PV.9341).

As we heard, UNITAD has concluded two reports on critical issues: sexual violence against women and girls and the development and use of chemical weapons by Da'esh. It has delivered 80 field missions and digitized a further 5 million records. We welcome UNITAD's important capacity-building work, including training on witness protection and victim-centred approaches to evidence collection, as well as supporting mass grave excavations. All of that is vital to bringing justice and accountability for victims and survivors, while supporting the Iraqi Government in its modernization of judicial processes and investigatory work.

We strongly encourage UNITAD and the Government of Iraq to find a way forward for third-party evidence-sharing, as the Council requested in resolution 2697 (2023), which is so critical to ensuring that members of Da'esh cannot escape impunity by fleeing abroad. We also encourage UNITAD to continue working to improve evidence-sharing with the Iraqi authorities and to plan for the future. We recognize, however, that the sharing of sensitive evidence is not straightforward, as it is often subject to, among other things, the consent of witnesses. We hope the upcoming report of the Secretary-General will provide clarity on those matters, so that the Council and Iraq can properly



understand what evidence has been and can be shared, and how the Council, UNITAD and the Government of Iraq could make further progress on that. It is critical that the evidence collected by UNITAD continue to be available for prosecutions of international crimes.

We all agree here on the importance of accountability for Da'esh crimes; we owe that to the victims, as the Special Adviser said. For our part, the United Kingdom is committed to working closely with the Government of Iraq and the United Nations to ensure that UNITAD's unique work is used effectively, both in Iraq and around the world. We are grateful to the Special Adviser and his Team for their dedicated efforts in pursuit of accountability, and we stand with the Government of Iraq in our continued cooperation to deliver justice for Da'esh atrocities.

**Mr. Stastoli** (Albania): I express my gratitude to Special Adviser Ritscher for his comprehensive briefing, and I would like to emphasize that Albania appreciates the commendable efforts in Iraq of the United Nations Investigative Team to Promote Accountability for the Crimes Committed by Da'esh/ISIL (UNITAD), as articulated in its eleventh report to the Security Council, presented by the Special Adviser. We extend a warm welcome to the Iraqi representative participating in today's meeting.

In the face of the persistent threat of terrorism to peace and security, UNITAD's pivotal role in gathering evidence and building cases against Da'esh and its affiliates is crucial. Albania acknowledges the progress achieved by UNITAD amid numerous challenges and resource constraints. Notably, we applaud the completion of case-assessment reports on gender and sexual crimes against the Yazidi community and the acquisition of new evidence regarding the development and use of biological and chemical weapons by Da'esh. The significance of the assessment report on the use of chemical and biological weapons by Da'esh cannot be overstated. It marks a precedent, illustrating the alarming extent to which non-State actors can pose real and unprecedented threats. We also appreciate the advancement of UNITAD's investigations, particularly in identifying high-ranking Da'esh officials and gathering evidence related to mass murder, the enslavement of women and girls, rape and other heinous crimes. The completion of case files and the alignment of names with committed crimes bring hope to victims and their families, assuring them that justice is on the horizon. We wholeheartedly support those efforts.

While acknowledging the strides made, we recognize that more needs to be done in identifying perpetrators, collecting evidence and ensuring that all those responsible for atrocity crimes in Iraq face justice. We echo the Team's assessment that investigations and case-assessment reports cannot be concluded by September 2024. Additional resources and the full engagement of Iraqi authorities are indispensable for the pursuit of justice through fair and due process. Looking ahead, we look forward to the Secretary-General's report and subsequent recommendations on how to proceed in alignment with resolution 2697 (2023). We urge the Council to act collaboratively with Iraq in providing ample time and resources for comprehensive justice to be delivered for all crimes.

Albania supports the enhanced coordination between UNITAD and the Iraqi authorities, the communities affected, civil society, victims and their families. The Team's ongoing engagement with survivors' groups, civil society and academia is commendable, as it amplifies victims' voices and contributes to the gathering of more evidence.

I want to underscore that holding Da'esh perpetrators accountable for crimes in Iraq remains a work in progress. Iraq should receive all the assistance it needs to end impunity. We call on the Council to steadfastly support UNITAD and Iraq in enhancing the legislative framework for international crimes, capacity-building for victims and survivors willing to testify, collaboration on mass grave excavations and the establishment of a central digitized archive. We agree with the view that the Team's five years of dedicated work must culminate in bringing perpetrators of atrocity crimes before courts of law. That is essential to ensuring meaningful justice and preventing the resurgence of Da'esh and its affiliates in Iraq and beyond.

In conclusion, as this marks our final statement on this topic in the Council, I would like to reiterate Albania's unwavering commitment to justice and accountability as the bedrock of lasting peace and prosperity for the Iraqi people.

**Ms. Oppong-Ntiri** (Ghana): I would like to thank the Special Adviser for presenting the eleventh report of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISLAMIC STATE in Iraq and the Levant (UNITAD), and for the work of the entire UNITAD Team.

Ghana welcomes the progress made by the Team during the period under review in pursuit of accountability for serious crimes committed by Da'esh/ Islamic State in Iraq and the Levant (ISIL). We believe that sustaining our commitment to the meaningful advancement of justice and accountability for all the atrocities committed by Da'esh/ISIL is the only way to respond to the legitimate calls by survivors and victims of ISIL's crimes for justice and genuine national reconciliation. In that regard, I would like to highlight the following points:

First, we applaud UNITAD's efforts to build on the progress made in previous reporting periods in advancing investigations in its lines of inquiry. The preparation and sharing of the case assessment report on the manufacturing and use of chemical weapons by Da'esh/ISIL; the preparation of a report on sexual violence against women and girls committed by Da'esh/ISIL; and the advance updates on case assessment reports on crimes committed against the Christian community represent significant achievements in that regard. UNITAD's commitment to sharing with the Iraqi judiciary the analytical and structural findings regarding the various investigations in the upcoming reporting period is a significant next step. We welcome that development and trust that the enrichment of evidentiary material will support domestic investigations and prosecutions and ensure that there is no impunity for the heinous international crimes committed by Da'esh.

Secondly, Ghana applauds the continued cooperation between UNITAD and the Government of Iraq, including the Iraqi judicial authorities. We are pleased that UNITAD continued to focus its efforts on building the capacities of relevant Iraqi stakeholders through training on digital forensic methods and support for mass grave excavations. Thanks to UNITAD's efforts, domestic capacity for investigating and prosecuting crimes committed by Da'esh is being enhanced, even as holdings of documentary, testimonial and digital evidence have been enriched in support of such investigations and prosecutions.

Thirdly, we note that the report indicates the activities UNITAD is undertaking in response to resolution 2697 (2023). We recognize that UNITAD is not only adjusting its priorities to meet the mandate requests but has successfully determined modalities for sharing information with third States, and has also communicated to the Iraqi authorities information about

previous evidence that was shared with third States. In addition, we note that following initial discussions with the Government of Iraq, the Team plans to focus on preparing a road map for the completion of its mandate and the necessary steps for closure, in line with the Government's request. As the Team undertakes those steps, we acknowledge that its work in the pursuit of justice will not be completed in a meaningful way by September 2024. However, it is important to ensure that despite the challenges that UNITAD foresees regarding the non-completion of its work, the Team will endeavour to work with the Government of Iraq to ensure that the expectations of the host Government for the Team's future are fully met. In that way, we will be able to maintain the trust of the Iraqi people by taking the accountability process forward and ensuring recognition of UNITAD's role in that process.

Since this is the last scheduled briefing on UNITAD before the end of our term on the Security Council, I would like to take the opportunity to applaud UNITAD for the milestones it has reached in its efforts to fulfil its mandate to promote accountability for core crimes committed by Da'esh/ISIL. One thing is evident. The establishment of an international investigative team, as in the case of UNITAD, can yield positive results and offers useful lessons for global accountability. We reiterate our expectations for success in the common pursuit of justice and accountability.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): The Russian Federation attaches great importance to the question of countering terrorism and holding terrorists accountable for their crimes, which is an integral component of our shared efforts to counter terrorist threats. In that context, we have been carefully monitoring the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) in Iraq.

We note the efforts of the Team in the latest reporting period to contribute to the holdings of evidence of the crimes of Da'esh/Islamic State in Iraq and the Levant (ISIL) in all areas of its investigations, including crimes against national communities, killings in Tikrit and Sinjar, the destruction of cultural property and Da'esh/ISIL's financial flows. We are encouraged by the fact that finally, if only in the seventh year of its work, the Team has shared with the Iraqi authorities some of the material compiled on terrorists' manufacture and use of chemical weapons, as well as information on

sexual violence. Considering that the end of UNITAD's mandate is less than 10 months away, we are surprised that Iraq has received only a paltry share of what the Team has managed to accumulate. And we do not completely understand why that evidence was not consistently provided to the Iraqi authorities. Why has it only just happened? It leaves us with a legitimate question, which is that if the Iraqi judiciary system cannot receive all of this evidence, for whom and why was it compiled?

From time to time we hear that thanks to UNITAD's assistance, various individuals are being brought to justice in third, largely Western, countries. But were individual trials held abroad the foundation of UNITAD's mandate? Its main task, as established by the Security Council, is the provision of assistance specifically and primarily to Iraq in prosecuting members of ISIL. The indecision regarding the question of handing over the evidence accumulated to Baghdad has resulted in ensuring that thousands of terrorists have yet to receive due punishment.

As we understand it, much of the blame for this unfortunate state of affairs lies with the current Special Adviser's predecessor. While we have observed some progress in the implementation of the core mandate of the Investigative Team during Mr. Ritscher's tenure, for years Mr. Khan openly disregarded the mandate, merely going through the motions, as we now understand. As far as we can see, Iraq received nothing at all from UNITAD during that period. What we want to hear about today is how many proceedings involving terrorists there have been in Iraq on the basis of evidence gathered by UNITAD. Has there even been one such trial? Well, we would not expect anything else from the United Kingdom national Mr. Khan. Even at his new place of work, he continues to successfully prioritize and de-prioritize individual investigations in following the will of his Western patrons.

We believe that, had the Investigation Team, from the very start of its work, faithfully fulfilled the mandate conferred upon it to support the national efforts of Iraq's law enforcement and judicial authorities by providing them with comprehensive evidence, the Iraqi judicial system would have completed the process of bringing terrorists to justice today. Seven years is a long time. We recall that the Nuremberg trials were completed in only one and a half years.

We demand that any and all materials collected by the Investigation Team, including in digitized form and the supporting analytical reports, be handed over to the Iraqi authorities without delay or preconditions, as stipulated in resolution 2379 (2017) and reaffirmed in resolution 2697 (2023). We recall that, at the request of the Government of Iraq, resolution 2697 (2023) extended the UNITAD mandate for one year only, until 17 September 2024. That underscores the need to make the best possible use of the remaining time to complete the Team's mission. We trust that UNITAD will robustly step up its cooperation with Baghdad. We draw attention to the fact that statements on the shortcomings of national legislation cannot — and should not — be used as a pretext to prevent the implementation of the Security Council's instructions. We were just alarmed to hear the statement that UNITAD will be unable to complete its work before the completion of its mandate. We believe that the mission should comply with the instructions of the Council.

We commend the announcement that, in accordance with paragraph 5 of resolution 2697 (2023), it was possible to expeditiously agree with the Iraqi authorities on the modalities for the transfer of evidence to third countries. We trust that that step will enable ensuring compliance with the conditions necessary to secure Baghdad's authorization for such transfers in the future. We note, however, that the information in the report on the implementation of the remaining paragraphs of the resolution is insufficient. The most important issue, on the progress made in winding down the activities of the Investigative Team, has not been made known for all intents and purposes. We expect that those shortcomings will be fully addressed in the January report of the Secretary-General and the Special Adviser's March road map. In those documents, we hope that we will see a detailed description of the specific measures that will have been taken, or will be taken, in the remaining 10 months of work to expedite the transfer of evidence to the Iraqis and the drawdown the activities of UNITAD. Particular attention should also be paid to the step-by-step process of the drawdown.

In conclusion, we would like to emphasize that now is the last opportunity for the Investigation Team to fulfil the remaining part of its mandate by finally handing over all the evidence to the Iraqi authorities, without which we will hardly be able to consider its mission a success.



**Mr. França Danese** (Brazil): I thank 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 (UNITAD), Mr. Christian Ritscher, for his briefing, and I welcome the Iraqi delegation to this meeting.

The eleventh report on the activities of UNITAD comes at a critical juncture. We are less than a year away from the expiration of UNITAD's latest, and possibly final, mandated term. The decision by the Council in September to extend the UNITAD mandate for one year only (resolution 2697 (2023)), six years after resolution 2379 (2017) determined its creation, responded to several concerns indicated by Iraq in its 5 September letter to the Security Council. The latest mandate renewal acknowledged the need to advance decisively and expeditiously towards the completion of UNITAD's core task of supporting accountability efforts before Iraqi tribunals. Those tribunals, as well as the Government and the people of Iraq, continue to be the primary intended beneficiaries of UNITAD's investigative work.

Some of the alleged difficulties in accomplishing that goal within the allotted time frame could unduly imply that UNITAD's role is to supervise and constrain, rather than support, trials in Iraq. Therefore, in the development of a road map for the completion of UNITAD's mandate, expected by March next year, it will be essential to consider that the holding of criminal proceedings in Iraq will surely build upon and outlive UNITAD's contribution to future trials in the country. The gist of that contribution remains the collection and sharing of evidence of Da'esh crimes with Iraqi authorities. Likewise, Brazil trusts that the upcoming Secretary-General's recommendations on evidence-sharing with the Government of Iraq will also maximize UNITAD's chances of delivering on and exhausting its core mandate, as determined by the Council, by September 2024. Bearing in mind the basis on which UNITAD's mandate rests, progress in that direction would strengthen the existing partnership with the host country and eventually demonstrate the importance of continued collaboration with Iraq, based on consent, should all parties converge in that direction.

The timely determination of modalities for UNITAD's sharing of evidence with third States, with the approval of the Government of Iraq, bodes well for the goal of holding Da'esh members accountable, including those who fled the country. That should be

done in a manner that respects Iraq's sovereignty and jurisdiction over crimes committed on its territory and against its citizens. Brazil commends the Government of Iraq for its constructive engagement with UNITAD and third States, aimed at enabling the prosecution of suspected criminals abroad who are otherwise subject to the primary or dominant jurisdiction of Iraq.

Lastly, we acknowledge UNITAD's contribution to strengthening the capacity of Iraqi institutions responsible for the administration of justice in the country, as part of efforts to promote accountability for Da'esh crimes. Following the completion of UNITAD's mandate, capacity-building initiatives tailored to local needs could continue to be provided and pursued bilaterally, upon the request of Iraq and interested countries, including those that currently provide extra-budgetary funds to UNITAD for that purpose.

**Mrs. Onanga** (Gabon) (*spoke in French*): I would like to thank you, Mr. President, for convening this briefing on the eleventh report on the work carried out by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant (UNITAD) between 2014 and 2017, within the framework of resolution 2379 (2017), of 21 September 2017. I also thank Mr. Christian Ritscher for his very detailed briefing on the status of the progress of the investigations under way for the period under review. I also welcome the delegation of Iraq to this meeting.

Gabon supports the Security Council's strategy to prevent the proliferation and use of chemical weapons by State and non-State actors alike, such as terrorist organizations. The accountability mechanism set up in Iraq, which is based on criminal justice and the rule of law, is vital to ensuring the maintenance of international peace and security. Gabon welcomes the fact that the mechanism makes it possible to promote the fight against impunity and guarantee access to justice for local communities affected by war crimes, crimes against humanity and crimes of genocide committed by Da'esh against the Yazidi people in Iraq.

Besides that, we welcome the significant progress that has been made as part of the ongoing in-depth investigations and in building the judicial capacity of local jurisdictions, including those of Kurdish entities. We also welcomed the adoption of resolution 2697 (2023) and all of the Team's efforts aimed at adjusting its priorities to enable it to achieve the goals arising

from the terms of its mandate. In that regard, its close cooperation with the local judicial authorities in capacity-building, especially for residual tasks, should enable the Iraqi authorities to fully take over, while keeping in view the forthcoming deadline and the importance of the work that the Team has done. The strengthened spirit of mutual cooperation between UNITAD and the Member States affected by its investigative procedures is particularly encouraging, and over the long term will enable greater involvement for those countries' jurisdictions in ongoing proceedings. The Team's focus on strengthening cooperation with the Iraqi judicial authorities on the ground, especially with the support of stakeholders regarding crimes committed by Da'esh against Christian communities or related to the alleged use of chemical and biological weapons, should be maintained until the closure of the mission.

That is why the new digital evidence obtained is essential, because it will enable a better understanding of the impact on victims of Da'esh's chemical and biological attacks and of the material damage done to property and the environment. Gabon calls for urgent efforts to follow up on the measures designed to facilitate the use and admissibility of the evidence collected, processed, preserved and transmitted by the Team on the ground in order to support the prosecution of the perpetrators of these crimes. The judicious use of cutting-edge technologies, in particular new strategies aimed at speeding up the scanning and digitalization of documents aimed at establishing evidence throughout the reporting period, as well as the technical training of local legal staff in the use of such tools, remains crucial as the Team's mandate draws to an end. It will be critical to intensify the dialogue in that sensitive context. Gabon hopes that the Government in Baghdad will engage further in the cooperation that is essential to finalizing the investigations and strengthening the framework of guidelines in the memorandum of understanding. The involvement of civil society will continue to be indispensable, especially in providing assistance to the victims of sexual violence and to children who have suffered ill-treatment and abuse as child soldiers.

In conclusion, my delegation would like to underscore the urgent need to create conditions that will enable restorative justice to redress the violations inflicted on the people of Iraq, particularly its Yazidi communities, by Da'esh's war crimes, crime of genocide and crimes against humanity. We must adopt

an inclusive approach, especially during the final stages of the process, in order to maximize the processing of the information collected, which will enable the facts to be established once and for all. Furthermore, as this is our last contribution to the Council's discussions on the subject, we would like to reaffirm our support for the Team's tireless and exceptional efforts.

**Ms. Dime Labille** (France) (*spoke in French*): Allow me to take this opportunity to wish you every success during your country's presidency of the Security Council, Sir.

I thank the Special Adviser for his briefing on the eleventh report of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD). I welcome the presence of the Permanent Representative of Iraq at today's meeting, which shows Iraq's commitment to cooperating with the international community and UNITAD so that justice is delivered for all of the victims of the crimes perpetrated by Da'esh on its territory. We commend the work of the entire Team and reiterate our support for its efforts to help fight impunity.

Thanks to the efforts of UNITAD on the ground alongside Iraq's national and local authorities, further progress has been achieved. New evidence has been collected on crimes perpetrated by Da'esh, particularly crimes committed against the various religious communities, but also those perpetrated using chemical weapons. We applaud UNITAD's drafting of a thematic report on sexual and gender-based violence and welcome the progress made in dealing with crimes committed against children, specifically girls, some of whom have been victims of forced marriage or sexual slavery. We welcome the collection of digital data related to the online activities of Da'esh, and the continued efforts to digitize the evidence needed for investigations. That progress is crucial to preventing the loss or deterioration of evidence and should be continued. Evidence collected about Da'esh financing networks is also crucial. We commend the efforts under way with respect to a study on the destruction of cultural heritage.

UNITAD's commitment to Iraqi civil society and dialogue with it are crucial, helping it to collect valuable testimony that enables investigations to advance and clarifies the gravity and scope of the crimes committed by Da'esh. I would like to highlight the importance of cooperation in countering impunity related to

Da'esh's crimes. In this regard, we welcome the enhanced cooperation between UNITAD and the Iraqi Government. Awareness-raising efforts related to the mechanism's mandate remain important. We encourage the Iraqi authorities and UNITAD to continue their dialogue, including with regard to sharing evidence with third States. We will study the recommendations that the Secretary-General will submit in January pursuant to resolution 2697 (2023) carefully.

France urges all States to support UNITAD's work. We are proud to support it through voluntary contributions and technical cooperation in order to assist it in its work of collecting evidence. It is also important to recall the steadfast position of the United Nations with regard to the non-transmission of evidence for legal proceedings involving the possibility of a death sentence, regardless of location. We want to remind the Council that the fate of victims should continue to be our main concern. The victim-centred approach and the gender perspective that UNITAD has adopted in all its work remain crucial.

Combating impunity for all perpetrators of crimes is vital to the stabilization, recovery and reconciliation of the Iraqi people as a whole. That is why in January 2022 France established a joint investigation team with Sweden, under the auspices of Eurojust, regarding crimes perpetrated against the Yazidi people, and is cooperating with UNITAD in that regard.

Lastly, France reiterates its commitment to fighting terrorism and impunity. As we have often pointed out, the threat posed by Da'esh has not vanished. Alongside our partners, specifically the Global Coalition against Da'esh, which will meet tomorrow at the ministerial level in Riyadh, France will continue to stand with Iraq in the fight against terrorism.

**Mr. Hauri** (Switzerland) (*spoke in French*): I would first like to thank Special Adviser Ritscher and his Team for their briefing and to welcome the participation of the Permanent Representative of Iraq in today's meeting.

Switzerland welcomes the continued progress made during the reporting period by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) to promote accountability for crimes committed by Da'esh. We congratulate UNITAD and the Iraqi Government on their respective efforts and close cooperation in implementing the provisions of resolution 2697 (2023).

UNITAD's main objective remains entirely valid, and Switzerland believes the following aspects are key to its mandate and work.

First, the exchange of evidence with third countries, which is an integral part of UNITAD's mandate, is important for the prosecution of terrorism-related crimes worldwide. Switzerland welcomes the cooperation between UNITAD and the Iraqi Government in determining the modalities of future evidence-sharing with third countries. At the same time, it remains essential that this exchange respects international law and the principles of the rule of law. Switzerland is opposed to the death penalty in all circumstances, as it is incompatible with respect for human rights and human dignity. Consequently, we oppose the sharing of evidence in judicial proceedings that could lead to capital punishment.

Secondly, accountability and justice are essential pillars for preventing atrocities and building lasting peace based on trust. We appreciate UNITAD's ongoing efforts to achieve that goal by thoroughly investigating and documenting the many crimes perpetrated by Da'esh in Iraq. We particularly value their victim-centred approach as well as their perpetrator-centred investigations. The documentation and evaluation of cases of sexual crimes, particularly against women and girls from minority communities, is essential to ensure accountability. In that context, I would like to highlight a recent report issued by the Counter-Terrorism Committee Executive Directorate, in partnership with Switzerland. The report highlights that sexual and gender-based violence, human trafficking, sexual slavery and forced marriage are used as weapons of terror by Da'esh. Impunity for those serious crimes hinders justice for victims and survivors and destroys the social fabric.

It is essential that national legislation criminalizes international crimes, particularly those related to sexual and gender-based violence. In addition, independent courts are essential to hold the Da'esh perpetrators accountable for their crimes. We welcome UNITAD's collaboration with the Iraqi authorities and encourage the Government to adopt such national legislation as soon as possible.

Thirdly, we note the Special Adviser's assessment that UNITAD's mandate will not be substantially completed by September 2024. Switzerland is concerned about the risk that certain essential investigations will

not be finalized on time and that requests for mutual assistance from the national authorities of third States will go unanswered. Legal proceedings take time. That reinforces our expectation that the Iraqi Government will ensure that the crimes committed by Da'esh continue to be prosecuted in accordance with international law and the principles of the rule of law.

International cooperation is essential to bring the perpetrators of all the crimes committed to justice. At the same time, long-term initiatives are needed to bring about reconciliation and prevent the recurrence of violence. The work of UNITAD is a key element in that effort.

**Mr. Wood** (United States of America): I thank Special Adviser Ritscher for his briefing on the efforts of United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant (UNITAD) to ensure accountability for the group's heinous crimes in Iraq. I also welcome the Iraqi Ambassador to today's Council meeting.

Ever since the Security Council heeded Iraq's request in 2017 to partner with the United Nations to establish UNITAD (see S/PV.8052), the United States has consistently supported its mission, and we continue to do so. The United States welcomes the extension of UNITAD's mandate until September 2024, as well as Iraq's continued commitment to work with the mission. In keeping with that mandate, the members of the Security Council must continue to assess UNITAD's progress. However, we must be clear-eyed about the implications of a hasty and premature closure of UNITAD, as Iraq continues its transition from conflict to stability and prosperity.

UNITAD continues to provide support to Iraqi authorities by building the capacity of the Iraqi judicial system, facilitating mass-grave exhumations, collecting evidence, engaging victims, families and survivors and analysing battlefield evidence to help identify perpetrators of atrocities. UNITAD's work is critical to holding members of the ISIL accountable for genocide against Yazidis, Christians and Shia Muslims and for crimes against humanity directed at those same groups and, in some cases, also at Sunni Muslims, Kurds and other minorities. After nearly 10 years, those communities continue to yearn for justice.

We acknowledge the Government of Iraq's desire for UNITAD to share additional evidence that it has

collected for use by the Iraqi judicial system, as well as UNITAD's efforts to work with the Government of Iraq in order to make that possible. To that end, we look forward to the Secretary-General's report outlining specific actions that UNITAD and Iraq can agree on to ensure that such evidence-sharing takes place.

In the meantime, we understand that there was both an analytical report on sexual violence against women and girls and an assessment report on Da'esh/ ISIL manufacturing and deploying chemical weapons, both shared with the Iraqi authorities in October and November. We stressed the importance of UNITAD's role in providing information and evidence to third-party nations such as the United States. UNITAD's recent investigation into the manufacture and use of chemical weapons by ISIL was one such important, albeit disturbing, example.

UNITAD's evidence-sharing with other countries in support of prosecutions of ISIL members abroad is an essential element of its work. The fight against ISIL will not be complete until the ISIS perpetrators of atrocities are held accountable, wherever they may be. We should recognize that UNITAD continues to be a good example of how the United Nations can support post-conflict countries on a path to peace and security. For that reason, we need to be ready to continue its work in Iraq beyond the upcoming year, should the demand remain.

**Mr. Al Nahyan** (United Arab Emirates) (*spoke in Arabic*): I would like to thank Special Adviser Christian Ritscher for his comprehensive briefing, and I welcome the participation of the representative of the Republic of Iraq in this meeting.

The United Arab Emirates values the progress achieved in the past six months by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant (UNITAD) with regard to collecting evidence on crimes committed in Iraq by the terrorist organization Da'esh. Some of those crimes may constitute crimes against humanity and crimes of genocide. The areas of investigation include the use by Da'esh of chemical and biological weapons, sexual violence against women and girls and the destruction of cultural heritage. We also commend the Team for its efforts in exhuming remains from mass graves.

The investigations undertaken by the Team are necessary. However, it is even more important to ensure



that UNITAD will hand over the evidence to Iraq so that it can be utilized to prosecute Da'esh members and to achieve justice. That is why the Council must remain seized of this matter, especially following the issuance of the Secretary-General's anticipated report, on 15 January, which will outline the possible ways in which UNITAD can deliver all collected and processed evidence to the Iraqi Government, including the comprehensive details of any evidence shared with third countries. Resolution 2379 (2017) designates the Iraqi Government as the primary recipient of that evidence. We stress that the Secretary-General's proposals in that regard must be both practical and applicable, with full respect for Iraq's sovereignty.

Undoubtedly, ensuring accountability for the crimes perpetrated by Da'esh and subsequently transferring evidence to Iraq for use in national trials are key elements for deterring terrorists around the world. That serves our collective efforts to prevent the resurgence of Da'esh or the emergence of other more extremist groups.

In that context, we support the Iraqi Government's efforts to hold Da'esh criminals accountable, wherever they may be, and we commend the achievements made thus far in that regard. Many survivors and victims' families are still waiting for justice. That includes hundreds of people still wondering, many years later, about the fate of their loved ones. We stress the need to continue sharing evidence with third countries, especially given growing indications that a large number of Da'esh members have fled to other countries.

We welcome the agreement reached between the Iraqi Government and UNITAD regarding mechanisms for sharing evidence with third countries. We also welcome the completion of the first joint case file between Iraqi investigative judges and UNITAD to support the trial of a Da'esh member in a third country in a way that strengthens international criminal justice and contributes to the transfer of expertise to the Iraqi authorities.

We further urge UNITAD to continue transferring knowledge to Iraqi judges and experts, especially in the field of digital forensics, throughout the remainder of its mandate. We welcome the opening of seven digital forensic laboratories so far in Iraq, and we commend the Team's efforts in digitizing millions of documents and evidence to facilitate using them by Iraqi judicial authorities.

In the next 10 months, it will be critical to complete the procedures for the responsible termination and closure of the Team's operations. That process should be guided by a road map, to be developed by UNITAD in coordination with the Iraqi Government by 15 March 2024.

On the other hand, the Team has made strenuous efforts to collect statements from witnesses about a number of crimes. It is crucial to clarify the mechanisms through which the statements can ultimately be delivered to the Iraqi authorities to ensure their optimum utilization, while safeguarding the protection of witnesses.

We call for regular updates to the Council on the progress made in implementing all the provisions of resolution 2697 (2023) throughout the remaining period, with special emphasis on the briefing scheduled for June 2024. Furthermore, we reaffirm our support for Iraq's sovereignty, security, stability and territorial integrity.

**Mrs. Shino (Japan):** I thank Mr. Christian Ritscher, 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 (UNITAD), for the valuable information he furnished the Council with today.

As part of the international community's efforts to eradicate terrorism, ensuring accountability for crimes committed by the Islamic State in Iraq and the Levant (ISIL), including war crimes, crimes against humanity and genocide, remains pivotal. UNITAD has been supporting the Iraqi-led process on accountability since its inception five years ago, and Japan commends its unwavering dedication.

Among the wide variety of areas of investigation in which UNITAD made progress in close cooperation with relevant Iraqi authorities during the reporting period, we particularly commend the work accomplished on sexual and gender-based crimes and crimes against children. Continuing that thematic investigation is significant not only for punishing immediate perpetrators, but also for ending the culture of impunity and helping to eliminate gender-based violence, including sexual violence in conflict. We note that some investigative work is still preliminary, such as that concerning crimes committed against Shia Turkmen women, and we encourage UNITAD to ensure that it continues to build upon what has been found so far.

Building the capacities of the Iraqi judicial authorities is also critical in order to ensure they can continue their work after UNITAD completes its mandate. We welcome the ongoing close collaboration between UNITAD and the Iraqi judicial authorities on various capacity-building initiatives, including joint case-building, the digitization of court records and other technical assistance. As the Special Adviser points out in his report and briefing today, that type of collaboration will serve as a strategic asset for Iraq in continuously combating terrorism once such efforts bear tangible outcomes, though we note that will still take time.

We welcome that UNITAD, in consultation with the Government of Iraq, has identified modalities for the transfer of evidence with third countries in response to the request of Iraq and as requested by the Security Council in resolution 2697 (2023). Close collaboration and communication with all relevant ministries and agencies of the Iraqi Government are the hallmark of effective mandate implementation by the Team. At the same time, it should also be recalled that the shared goal in this dossier for the Iraqi Government, UNITAD and the Security Council is to ensure accountability for crimes committed by ISIL, and that the legacy of UNITAD which serves that purpose needs to be preserved.

In that connection, we look forward to a report by the Secretary-General and another by the Special Adviser, as requested, which will provide the Council with solid foundations to discuss the way forward, bearing in mind the requests of the Government of Iraq.

**Mr. Geng Shuang** (China) (*spoke in Chinese*): I thank Special Adviser Ritscher for his briefing and welcome the progress that the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) has made over the past six months.

China has all along underscored in the Council's previous deliberations that UNITAD is a temporary and transitional arrangement made by the Security Council in support of Iraq's accountability efforts. In September, the Council adopted resolution 2697 (2023), which renewed the Team for a final one-year, non-extendible term until 17 September 2024. It is our hope that this request will be effectively implemented and the Team will consult fully with Iraq, formulate a practical and

actionable exit strategy without delay and complete its withdrawal in a timely and orderly manner. UNITAD should also work to ensure a timely and systematic handover of all evidence to the Iraqi Government so that evidence can be turned into a powerful weapon to hold terrorists accountable, thereby completing the historic task of supporting Iraq's accountability efforts.

Recently, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) has reached an agreement with the Iraqi Government on the modalities of evidence-sharing with third countries. We welcome that. We hope that the Team will, as requested, inform the Iraqi Government of previously shared evidence files as soon as possible.

Iraq is at the forefront of international counter-terrorism efforts and has made tremendous sacrifices in the fight against Da'esh and in the recovery of territories occupied by terrorists and extremist organizations. The international community should continue to steadfastly support Iraq in beefing up its counter-terrorism capacity-building, combating terrorism, eliminating terrorist remnants and consolidating hard-won counter-terror achievements.

**Mr. Fernandes** (Mozambique): I thank the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), Mr. Christian Ritscher, and his Team for the briefing. I also acknowledge the presence of the Permanent Representative of Iraq at this meeting.

Mozambique commends UNITAD's valuable contribution to promoting accountability for crimes committed by Da'esh/the Islamic State in Iraq and the Levant (ISIL). UNITAD Team's commitment towards the implementation of resolutions 2379 (2017) and 2697 (2023) deserves our appreciation.

The violent extremist and terrorist acts of the Islamic State and Levant in Iraq continue to threaten international peace and security. In that connection, UNITAD's work in assisting the Iraqi judiciary is crucial to ensure that there is no impunity for Da'esh/ISIL perpetrators.

Mozambique welcomes the Team's milestones reached in all lines of inquiry, including the investigation of specialized cross-sectorial areas and the investigation of gender-based crimes and

crimes against children. International crimes need a substantial amount of time, specialized knowledge and sufficient funds and resources for investigation, prosecution and settlement. UNITAD's support to Iraq is fundamental in the pursuit of justice for victims and survivors and accountability for the perpetrators of war crimes, crimes against humanity, genocide and other heinous crimes. Breaking the cycle of impunity is an important step towards stabilization, reconstruction and reconciliation in Iraq. Mozambique is extremely appreciative of UNITAD's assistance to Iraq in various forms, including the provision of material and human resources. The vital role of UNITAD in providing training to local staff and national forensic professionals is a major factor in enhancing the nation's capacity to counter the global threat that is terrorism.

In order to effectively utilize the evidence gathered by UNITAD's Team in independent criminal proceedings before Iraq's courts, it is also crucial that Iraq establish a sufficient domestic legal framework for the investigation, prosecution and adjudication of international crimes. It is our view that the domestication of international criminal law and the prompt adoption of legislation pertaining to international crimes are crucial in that regard. An essential step forward is the involvement of legal professionals from abroad and Iraq in training about the relationship between domestic and international criminal law.

It is difficult to make Da'esh accountable for the horrific crimes it has committed without the cooperation of all pertinent national stakeholders. UNITAD's relationships with national authorities, religious institutions, non-profit organizations and other groups must be strengthened. Lastly, it is critical that UNITAD be supported in its efforts to hold accountable those responsible for transnational crimes, such as those Da'esh has committed in Iraq and throughout the world.

**Ms. Gatt (Malta):** I thank Special Adviser Ritscher for his report and briefing, and I welcome the Permanent Representative of Iraq to this meeting.

Malta commends the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) on the progress achieved across its investigative priorities during the reporting period. We recognize that the cooperation afforded by the Government of Iraq, the Iraqi judiciary and the Kurdistan Regional Government was essential in ensuring such progress.

UNITAD's investigative achievements over the past six months include the production of an analytical report on sexual violence perpetrated by Da'esh against women and girls and a case assessment report on Da'esh's manufacturing and use of chemical weapons. We welcome the sharing of both reports with the Iraqi authorities and the Team's commitments to sharing additional analytical and structural findings with the Iraqi judiciary. More broadly, Malta appreciates the Team's continued partnerships with civil society, victims, survivors, communities and religious leaders across all aspects of its investigative work.

We look forward to receiving the Secretary-General's report next month on Iraq's request for the transfer of UNITAD's evidence holdings. Our view is that any evidence transfers must be consistent with international human rights law and the Team's terms of reference, including United Nations best practices. Key to overcoming challenges regarding the transfer of evidence is the adoption of a domestic legal framework enabling the prosecution of international crimes, namely, genocide, war crimes and crimes against humanity. Malta repeats its call for such legislation to be progressed as a matter of priority and procludes the application of the death penalty in line with United Nations best practices. UNITAD provides wide-ranging technical assistance and support to the Iraqi authorities, including evidence digitization and preservation, excavation of mass graves and training for judges. We share UNITAD's views regarding the importance of that collaborative and impactful work, which has received substantial funding from the European Union.

We also welcome the swift conclusion of an agreement between the Government of Iraq and UNITAD to determine modalities for information sharing with third States, in line with resolution 2697 (2023). It has enabled the Team to continue supporting a growing number of national jurisdictions with respect to ongoing investigations and prosecutions. We look forward to receiving the road map for the completion of the Team's work next March. However, we note that the views expressed in the Team's most recent report that UNITAD's mandate will not be completed in a meaningful way by September 2024. Although the wheels of justice can turn slowly, we must acknowledge the concrete results achieved by UNITAD over the past five years in pursuing accountability for atrocity crimes committed by Da'esh in Iraq. In addition, UNITAD's important work continues apace across

all aspects of its mandates, including investigations, evidence collection and capacity building. A drawdown of UNITAD functions must therefore be gradual and orderly, recognizing as well the need to appropriately deal with confidential and sensitive evidence in the Team's possession, including testimonial evidence from victims and witnesses from vulnerable communities.

In conclusion, I would like to assure the Special Adviser of Malta's continuing support of UNITAD's crucial work in ensuring that there is no impunity for atrocity crimes committed by Da'esh in Iraq. Together, we must ensure that the legitimate call for justice of survivors and victims is fulfilled.

**The President** (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Ecuador.

I would like to thank the Special Adviser and his Team for presenting the eleventh report of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD). I would also like to welcome the representative of Iraq to this meeting.

The adoption of resolution 2697 (2023) last September, through which the Council, taking note of the Government of Iraq's request, unanimously decided to extend the mandate of the Special Adviser and the Team only until September 2024, represents a new stage in UNITAD's work. In that context, my statement will focus on three areas of the report.

First, we would like to note that, while UNITAD has begun a process of adjusting its priorities, it continues to accomplish the tasks entrusted to it by resolution 2379 (2017). In that regard, we would highlight the preparation of reports on Da'esh's development and use of chemical weapons and on sexual violence against women and girls, which have already been submitted to the Iraqi authorities. It is also our understanding that a report on the destruction of Iraq's cultural heritage is being prepared. The information contained in those reports is fundamental to sustaining the judicial and police efforts in Iraq in order to bring to justice those who have perpetrated crimes against various communities in Iraq, which could constitute war crimes, crimes against humanity and genocide, and those who provided assistance and financing for such crimes.

Secondly, we support the cooperation between UNITAD and the Government of Iraq in the preparation

of joint reports on presumed perpetrators residing in third States and the fact that the first of those cases has been concluded. We also support UNITAD's contribution to developing institutional capacity in Iraq, including the development of a legislative framework on international crimes, support for the victims and witnesses and the establishment of a centralized digital archive. Equally, UNITAD's cooperation with the communities affected by Da'esh's crimes and with non-governmental and international organizations continues to be the cornerstone of investigatory and evidence-gathering efforts.

Thirdly, we welcome the news that UNITAD has informed the Iraqi authorities of evidence that has been shared with third States and the agreement that was reached in October 2023 on the modalities that must be followed in such procedures. As the report points out, that is the first step in implementing resolution 2697 (2023), which should be complemented by the presentation of a report by the Secretary-General containing recommendations for the handing over of evidence to the Government of Iraq and the road map that should be drawn up in consultation with the Government of Iraq to complete UNITAD's mandate. We believe that adequate preparation of those reports will be essential in order to dispel any doubts about UNITAD's activities and the results that it was able to obtain.

In conclusion, I would like to reiterate my country's support for UNITAD and its contribution to the rule of law, reconciliation and sustainable peace in Iraq.

I resume my functions as President of the Council.

I now give the floor to the representative of Iraq.

**Mr. Al-Fatlawi** (Iraq) (*spoke in Arabic*): I thank you very much, Mr. President, for inviting me here today, and through you I would also like to extend my greetings to the other members of the Security Council. At the outset, it is my honour to begin my statement as the representative of the Republic of Iraq by expressing our thanks and gratitude for the efforts of the United Nations and its main organs and offices through its resolutions, recommendations and decisions, and for all international efforts in support of Iraq in its war on terrorist organizations and in combating terrorism and prosecuting terrorists. I congratulate you, Sir, on your country's assumption of the presidency of the Council for the month of December and wish you every success.



And I thank the People's Republic of China for its leadership of the Council for the month of November.

I am grateful to Mr. Christian Ritscher and his team for his briefing to the Council and his presentation of the eleventh report of the United Nations Investigative Team to Promote Accountability for the Crimes Committed by Da'esh/ISIL (UNITAD), including on the Team's activities undertaken in my country, Iraq, during the period covered by the report. We commend Mr. Ritscher for the information in his important briefing to the Council, especially with regard to the promotion of cooperation frameworks with the Iraqi judiciary and the National Coordinating Committee representing the Iraqi Government. With regard to the paragraphs in the report related to the implementation of resolution 2697 (2023), we want to clarify that the national authorities in Iraq did not receive the eleventh report in a timely manner and were therefore unable to examine it carefully or review its findings with the national authorities mentioned in the report and its figures pertaining to the digitization of archives.

Iraq welcomed resolution 2697 (2023), which included Iraq's requests as contained in a letter from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the President of the Security Council (see S/2023/654), especially with regard to the Team's handover of all the evidence it has gathered to the Iraqi Government during the final stages of UNITAD's mandate. In that regard, my Government reaffirms its steadfast and final position on the extension of the Team's mandate and its Head for one year only, and I repeat, one year only, for a final period ending on 17 September 2024. The Government of Iraq is therefore committed to ending the Team's mandate and to the departure of its Head, together with the liquidation and completion of its work. During this final year, all evidence, whether acquired by the Team or received from Iraq and developed by the Team using advanced technology, must be presented and handed over to the Iraqi Government for use before Iraq's national courts. The mandate of UNITAD, as per the terms of reference and the resolutions of the Council, is centred on collecting, preserving and storing evidence of crimes perpetrated by Da'esh in Iraq and on presenting that evidence to Iraq so that it can conduct fair and just trials that contribute to achieving accountability and justice for the victims. The Team's mission cannot be limited to collecting, preserving and storing evidence

and investigating crimes. That evidence must be used in national courts.

The creation of UNITAD has been a new and unique experiment in cooperation among States and international organizations aimed at achieving criminal accountability for the most serious crimes at the international level. Given the global threat posed by the terrorist organization Da'esh and the significant efforts made by UNITAD and its Head throughout the implementation of the mission's mandate, in which they have confronted difficult circumstances and many challenges related to the context in which the investigations have been carried out, Iraq is eager to support the success of the experience by ensuring UNITAD's completion of its mandate through its delivery to the Government of the evidence it has collected on Iraq's territory with the full assistance of the Iraqi Government and its judicial system. That will prove whether the experience has succeeded or not. If not, it may weaken States' trust in such efforts in the future.

The Iraqi Government has continued to coordinate and cooperate with UNITAD as well as it possibly can and has provided the facilitation needed to guarantee the Team's impartiality and independence in accordance with the Council's resolutions and the terms of reference. In that regard, the relevant national technical authorities have made many observations that we believe UNITAD should have taken into consideration earlier within its mandate, which requires the Team to provide the Iraqi Government with all the necessary support and with full respect for Iraq's sovereignty. We have clarified those observations in detail in previous statements to the Council.

We want to emphasize that so far the Iraqi Government has not received any evidence from UNITAD that could be used in national criminal proceedings. All that we have received is reports and summaries that have no legal or procedural value before our national courts. The Iraqi Government therefore expresses reservations about the Team's delivery of reports on the crimes committed by the terrorist group Da'esh in Iraq. We consider that they run counter to the relevant resolutions of the Council and the mission's terms of reference, which provide that UNITAD should hand over to Iraq evidence of the terrorist crimes committed by Da'esh against the Iraqi people in order to achieve accountability and justice for the victims.

In that context, we are seeking clarification from UNITAD on the feasibility and importance of those reports from a legal perspective, and about why UNITAD provided reports instead of evidence, especially since there is a significant difference between the terms “legal use” and “legal value”. At the same time, we would like to make it clear that the Iraqi Government feels a great responsibility to achieve justice for the victims, and to prosecute and hold accountable everyone involved in committing those crimes, whether they are individuals, organizations or States. We consider those crimes to be among the most heinous recorded in human history. Accordingly, the Iraqi Government must hold on to every piece of evidence that could help to achieve justice and accountability, as is its legal and moral right and duty. Merely issuing reports on Da’esh’s crimes and delivering them to Iraq may not meet the expectations of the Iraqi Government, the victims or their families. From our perspective, we should work to achieve justice at the national level for all who suffered from the crimes of that terrorist organization, especially considering that the reports have no legal effect that can be used or relied on in the context of criminal prosecutions and trials at the national level.

In that regard, we want to bring up a very important issue, which is the fact that witness accounts obtained by UNITAD during its implementation of its mandate on Iraqi territory, with the full assistance and support of the Iraqi Government, have not been shared with the Iraqi Government. That raises a number of questions and legal issues. How does that practice comply with the Team’s mandate and jurisdiction in helping Iraq to achieve accountability? What is the use of those witness accounts if they are not used in national courts to prosecute perpetrators? What remedies for victims can be achieved through those witness accounts? Without them, we could see further impunity and a greater lack of accountability.

In that regard, we would like to point out that the delay in prosecutions and trial proceedings has enabled members of Da’esh to escape from Iraq and seek havens elsewhere, which explains the increase in proceedings being conducted in a number of countries that have received refugees, who include persons involved in terrorist crimes committed by Da’esh against the Iraqi people. The main reason for that could be the delay in prosecution and accountability and in the ability to utilize the evidence developed by UNITAD against Da’esh terrorists. That clearly led to delay in justice

for the victims and to not applying the principle of no impunity. In that context, and in accordance with UNITAD mandate, we underscore that its main task is to hold trials in Iraq.

The Government of Iraq is prepared to share evidence with all States following the closing down of UNITAD, scheduled for September 2024 — evidence that will be owned by Iraq and that we have turned over to UNITAD, which represents up to 90 per cent of the evidence in possession of the Team. The evidence that was developed by the Team must once again go back to the Iraqi Government, pursuant to the Team’s mandate and in accordance with Iraq’s steadfast position on achieving national and international accountability, thereby continuing collective international efforts to prosecute perpetrators, supporters and those who funded terrorist Da’esh crimes and to maintain international peace and security, as well as addressing threats to national security according to States’ national procedures and ensuring that there is no safe haven for the terrorists who were able to escape from Iraq.

With regard to evidence shared with third States, the Iraqi Government has responded quickly to implement paragraph 5 of resolution 2697 (2023), on finding a mechanism, with the Government’s consent, to continue sharing evidence with third countries. At the same time, that paragraph clearly sets out a requirement to communicate with Iraq on sharing evidence that was conveyed to third States. We would therefore like to note that the Iraqi Government is interested in the nature and type of evidence shared with third States, and not only the categories of such evidence. In particular, we are interested in the evidence developed by the Team and its investigations through the use of advanced technology in processing the evidence received from the Iraqi Government in the course of the six years of the mandate to date. Up to now, we have not been informed of any such evidence under the terms of paragraph 5 of resolution 2697 (2023).

We would like to point out that UNITAD’s activities include evidence sharing with third States with the support and coordination of the Government of Iraq. At the same time, Iraq expects the Team to share evidence with it pursuant to the Team’s mandate. That was the essence of Iraq’s acceptance of the UNITAD mandate.

The Government of the Republic of Iraq reaffirms its commitment to cooperating with UNITAD and providing support to it through the National Coordinating

Committee, which is tasked with supporting the Team's mandate throughout the last year, as per resolution 2697 (2023), including procedures to close and liquidate the mandate amid full respect for Iraq's sovereignty and jurisdiction over crimes committed within our borders against our people. We further underscore that we intend to cooperate with all Member States and will share evidence with them.

In conclusion, we thank the Council and all States that have supported Iraq in countering terrorism and bringing criminals before national prosecution. We thank Mr. Ritscher and his team for their efforts over the past six years and for highlighting the magnitude of the violations committed against the Iraqi people by terrorist Da'esh. We hope that those efforts will culminate in the delivery of all evidence to the Iraqi

Government and in achieving the closure of UNITAD in line with the established time frame. We wish Mr. Ritscher and his team every success in the future.

I would also like to clarify, with regard to what was mentioned about evidence concerning the use of chemical and biological materials as well as weapons of mass destruction by Da'esh, that Iraq is party to the Chemical Weapons Convention and to the Convention on the Prohibition of Biological Weapons. We are committed to presenting transparent reports on an annual basis. We also receive inspection teams every year from the Organization for the Prohibition of Chemical Weapons and provide them with all the facilities they need.

*The meeting rose at 11.45 a.m.*