

# Ensuring Accountability for ISIL's Crimes: **The Vital Role of UNITAD and Future Perspectives**



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Cover Photo: Bural ceremony for Yezidi victims in Hardan, Sinjar.

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## About the Free Yezidi Foundation

The Free Yezidi Foundation (FYF) is a non-partisan, Yezidi women-led nonprofit organization established in response to the 2014 Yezidi Genocide. FYF is dedicated to the empowerment and support of the Yezidi community through the provision of comprehensive advocacy, justice, mental healthcare, psychosocial support, education, and livelihood services. With a special focus on women, girls, and survivors of SGBV, FYF's initiatives aim to enable those most vulnerable to rebuild their lives with dignity and resilience.

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## List of Acronyms

ISIL	Islamic State of Iraq and the Levant
SGBV	Sexual and Gender-Based Violence
IDP	Internally Displaced Persons
FYF	Free Yazidi Foundation
UNITAD	United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL
GOI	Government of Iraq
UNHQ	United Nations Headquarters
IIM	International, Impartial, and Independent Mechanism

## 2014 Yezidi Genocide

On August 3, 2014, the Islamic State of Iraq and the Levant (ISIL) launched a genocidal campaign against the Yezidi ethno-religious minority. This campaign involved ethnic cleansing through mass executions, forced conversions, forced displacement, kidnappings, and widespread sexual and gender-based violence (SGBV). These atrocities led to the massacre of Yezidi men and older women, enslavement of over 6,000 Yezidi women and children, and the displacement of more than 400,000 Yezidis to Internally Displaced Persons (IDP) camps. Other religious and ethnic minority communities also faced displacement and endured crimes perpetrated by ISIL.

A decade later, the Yezidi community remains profoundly impacted, with half of its population still internally displaced. Survivors continue to endure significant trauma, compounded by inadequate support for their healing and recovery.



## Executive Summary

The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) has played a crucial role in advancing accountability and justice for survivors of ISIL atrocities. With Baghdad's decision to call for the termination of UNITAD in Iraq, it is imperative to sustain efforts to obtain justice, reconstruction, and empowerment for the Yezidi community. Coordinated international and local efforts must be mobilized to address the sudden gap left by UNITAD's departure, ensuring continued support for survivors and accountability for perpetrators. During this transitional period, it is vital to maintain a steadfast commitment to upholding human rights and facilitating healing for those affected by ISIL's brutal actions.

## Recommendations

While FYF and other Yezidi civil society organizations were disappointed by Iraq's decision to call for the premature conclusion of UNITAD's mandate, its closure is now imminent. This closure will significantly hinder efforts to gather evidence and prosecute ISIL perpetrators, thereby increasing the pressure on the international community and Iraqi civil society to urge the Iraqi government to pursue justice and accountability for ISIL atrocities. This underscores the urgent need for sustained international

support and advocacy. To address the gap left by UNITAD's departure, FYF recommends the following action points:

- **Establish an International Tribunal:** Create a court equipped with legal expertise and resources specifically designed to handle complex cases of genocide, crimes against humanity, and war crimes committed by ISIL. This court should be established through collaboration among international legal experts, local judicial authorities, and Yezidi community representatives and civil society organizations to ensure its credibility and effectiveness.
- **Form a Search Committee for Missing Yezidis:** Develop a dedicated committee to actively search for missing Yezidis. This committee should use advanced forensic techniques to identify remains, investigate mass graves, and document evidence crucial for legal proceedings.
- **Secure Evidence Storage:** Evidence collected by UNITAD includes informed consent protocols as guaranteed under its terms of reference. It is imperative that such evidence, including harrowing testimonies from survivors of unthinkable atrocities, be treated with care and stored under UN auspices—most likely at UNHQ in New York—in strict accordance with UNITAD's consent protocols.

- **Maintain International Pressure on Iraq:** Continue to exert international pressure on the Iraqi government to uphold justice and accountability for ISIL atrocities through coordinated advocacy efforts. This should include providing technical assistance, capacity-building initiatives for law enforcement and judicial institutions, and financial resources to strengthen institutional capacity and ensure sustained justice efforts.

*Many perpetrators were never held accountable and many were acquitted. Without justice, we can not live as we did before.*

Hadia (Yezidi Survivor)

## Background

In response to the atrocities committed by ISIL, the Government of Iraq (GOI) called for international assistance on August 9, 2017, to hold senior ISIL perpetrators accountable. This appeal led to the unanimous adoption of Security Council Resolution 2379 (2017) and the establishment of UNITAD. Since its formation, UNITAD has played a crucial role in collecting evidence of ISIL's crimes and providing a platform for Yezidi survivors to safely share their experiences.

UNITAD's mandate has been instrumental in documenting and preserving the testimonies of survivors,

ensuring that the international community recognizes and understands the full extent of ISIL's atrocities. The evidence collected by UNITAD has not only been pivotal in supporting national prosecutions in various countries but has also served as a cornerstone for the historical documentation of the Yezidi genocide and other crimes committed by ISIL.

## UNITAD Successes

UNITAD's work highlights the critical importance of presenting detailed and factual accounts of ISIL atrocities in fair and transparent criminal proceedings. This approach is essential for undermining the ideological foundations of the ISIL movement and diminishing its capacity to propagate further. The international community responded with unity, as demonstrated by the unanimous adoption of Security Council Resolution 2379 (2017). Following this resolution, the Secretary-General established UNITAD and appointed the first Special Adviser and Head of the Team, effective May 31, 2018.[1]

As part of its efforts, UNITAD has achieved significant milestones. To date, UNITAD has exhumed 67 mass graves containing the remains of ISIL's victims, although over 80 mass graves have been located. Beginning in mid-March 2019 in Kocho village,

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[1] United Nations, UNITAD: [Our Mandate](#).

the exhumation process has led to the recovery of nearly 500 victims' remains.[2] These efforts have been crucial in providing closure to the families of victims and ensuring that the atrocities committed by ISIL are thoroughly documented. The evidence collected from these mass graves has helped corroborate survivor testimonies and build legal cases against ISIL perpetrators.[3] Identifying the remains and returning them to their families is also vital to providing a sense of peace and closure to those who have suffered unimaginable losses. Ultimately, the victims' remains will be returned to their families for proper and dignified burials, honoring their traditions and beliefs.[4]

## Impact of UNITAD Closing

The closure of UNITAD exacerbates accountability issues in several critical ways. Despite a decade having passed since the genocide, not a single ISIL perpetrator has been prosecuted in Iraq for genocide, crimes against humanity, or war crimes, leaving survivors and their communities without redress.

Without UNITAD's ongoing investigations and evidence collection, efforts to establish a specialized court to prosecute ISIL perpetrators may stall, further delaying justice for survivors and sending a troubling message that their testimonies and ongoing pleas for justice have been in vain. This concern is heightened by

Iraq's extremely weak judicial system, the Iraqi Parliament's failure to pass legislation criminalizing international crimes, and its lack of plans or strategies to advance justice and accountability without UNITAD's expertise. Iraq has neither recognized the jurisdiction of the International Criminal Court nor acted on proposals from survivor groups to establish a hybrid tribunal for prosecuting ISIL perpetrators.

UNITAD has advocated for serious action from the Iraqi government, and its absence may result in decreased pressure on the government to address the genocide and other mass atrocities committed by ISIL. Furthermore, UNITAD has played a significant role in gathering and preserving evidence. Its closure could hinder the identification and prosecution of perpetrators and delay the investigation of mass graves, thereby prolonging the agony of survivors seeking closure.

The existing issues of accountability are likely to persist and worsen without UNITAD's support. Therefore, robust accountability measures are essential to ensure that the pursuit of justice does not end with UNITAD's closure. Continued international support and pressure will be crucial to maintaining momentum in addressing the grievances of survivors.

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[2] KirkUKNow, [National teams exhume seven mass graves for Ezidis \(Yazidis\)](#).

[3] United Nations, [9645TH MEETING](#) (5 June, 2024).

[4] United Nations, [Iraqi Authorities, in Cooperation with UNITAD, Complete the Excavation of a Mass Grave Site of ISIL Victims in Anbar](#).

## Survivor Concerns Over UNITAD Mandate Closure

While UNITAD has been active in collecting evidence of atrocities committed against Yazidi survivors, it has also relied on civil society to help gather and process much of the evidence stored in its databases. Importantly, UNITAD has provided Yazidis and other minority community members with a safe space to share their experiences. However, with the mandate set to close in September, there are significant concerns about the continuity of support for these survivors in their pursuit of justice and healing.

Survivors working with FYF emphasize the urgent need for coordinated efforts to locate missing persons, expedite the exhumation of mass graves, and hold ISIS perpetrators accountable for genocide and crimes against humanity. Additionally, they stress the importance of facilitating the return of displaced Yazidis by improving housing, security, and infrastructure in Sinjar.

Yezidi survivors have raised serious concerns about the potential transfer of sensitive information and testimonies to the Iraqi government, which would violate UNITAD's internal evidence-sharing protocols. Survivors fear severe retaliation if their identities or the sensitive information they have shared is exposed, particularly in regions where former ISIL perpetrators


or sympathizers still hold influence. Protecting their identities and personal information is paramount to their safety. FYF is strongly opposed to the transfer of such information to Iraqi judicial or security agencies and has conveyed this to UNITAD's Special Adviser on several occasions. Although reassured that such a transfer is not possible, it is imperative that UNITAD evidence is moved out of Iraq to a secure UN facility.

Moreover, there is widespread distrust in the Iraqi judicial system's ability to uphold international standards of due process, amplifying survivors' fears. The prospect of UNITAD's information being used in a judicial system that does not consistently ensure fair trials raises significant human rights concerns, including the potential for unjust executions. These factors intensify survivors' apprehensions about reprisals, deepening their feelings of insecurity and the urgent need for protection. Due to these concerns, many survivors have opted to withhold consent for their statements to be shared with the Iraqi government, for example, through FYF's robust justice program. FYF expects UNITAD to fulfill its obligations regarding the security of the evidence it has collected, as stipulated in the FYF-UNITAD MoU. [5]

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[5] FYF and UNITAD signed an MoU on 8 May 2019, outlining cooperation and information-sharing protocols.





*"Significant damage has been inflicted on the Yezidi community, and we continue to suffer. We have not received the necessary assistance, those who were captured have not been released, and we still cannot say that we are safe."*

Renas (Yezidi Survivor)

## **FYF's Work to Hold ISIL Perpetrators Accountable**

Since 2019, FYF has been actively involved in enhancing access to justice for the Yezidi community, particularly focusing on survivors of ISIL's crimes, especially women who have experienced sexual violence. FYF has positioned itself as a global leader in conducting thorough investigations into these atrocities. FYF collaborates closely with international bodies like IIIM (International, Impartial, and Independent Mechanism), UNITAD, Europol, and war crimes units across the world.

Key aspects of FYF's work include:

**1. Comprehensive Investigations:** FYF conducts detailed investigations into crime scenes associated with

atrocities committed against Yezidis. This involves compiling unique analyses and suspect dossiers to support prosecutions.

**2. Collaboration:** FYF works closely with UN mechanisms, international organizations, and war crimes units outside Iraq to advance prosecutions and ensure justice for Yezidi survivors.

**3. All-Female Team:** FYF's team consists of all-female lawyers and investigators who integrate survivor-centered practices into their work. This approach aims to provide supportive interactions for survivors throughout the legal processes.

**4. Justice Priorities:** FYF focuses on

improving access to justice for the Yazidi community, identifying individual perpetrators to facilitate global prosecutions, and exploring civil cases for restorative justice and compensation through legal avenues.

**5. Impact Measurement:** FYF measures impact through quantifiable metrics, such as the number of structural crime scene investigations completed, suspect dossiers compiled, and case files shared with law enforcement agencies and UN mechanisms.

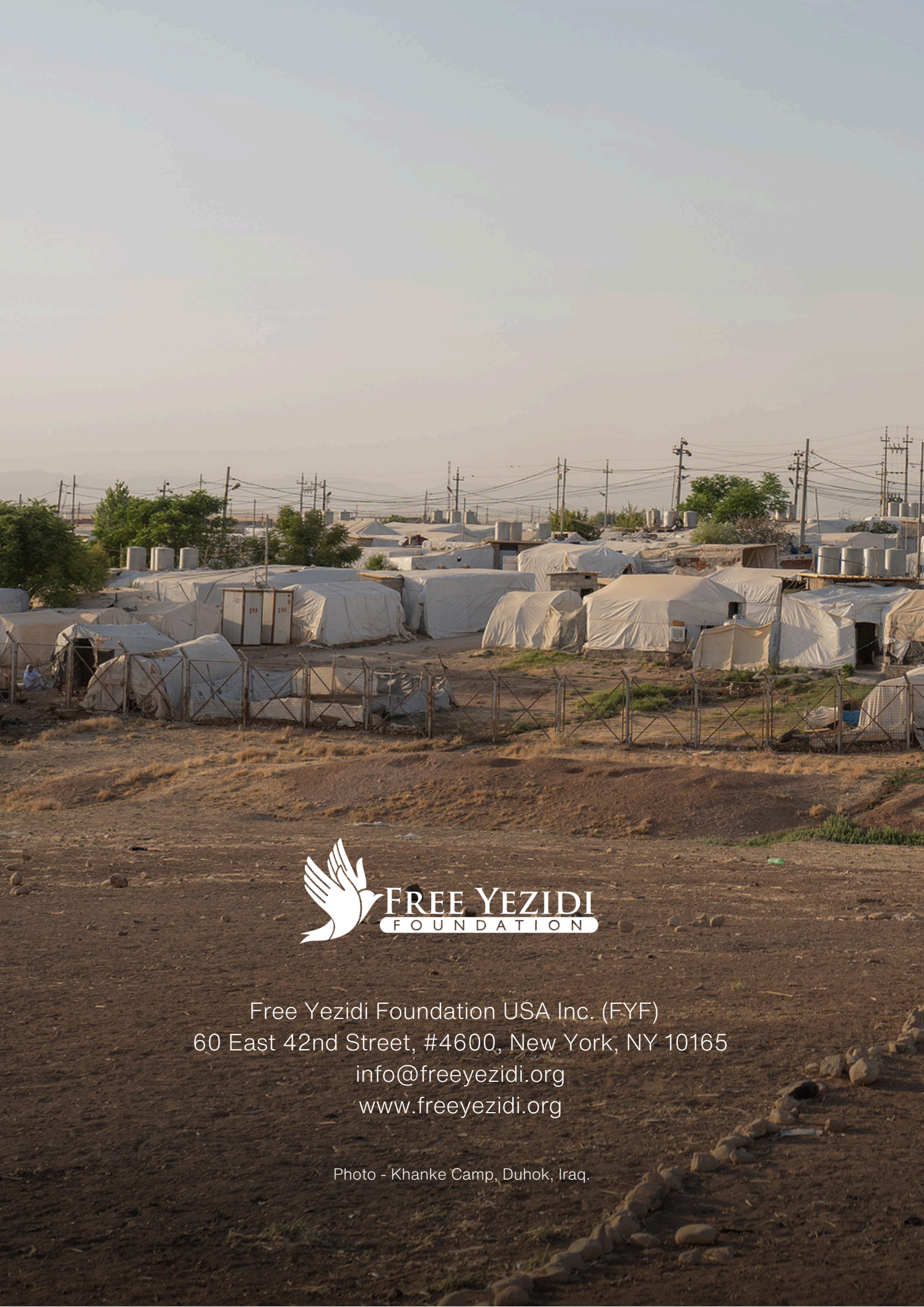
Overall, FYF's efforts are crucial in advocating for justice, documenting crimes, and supporting survivors within the Yazidi community, while also contributing to global efforts against impunity for crimes committed by ISIL.

## Conclusion

The imminent closure of the UNITAD mandate presents a critical challenge to the ongoing pursuit of justice for the Yazidi community. Holding ISIL accountable for its crimes is essential for the healing of survivors and the global fight against impunity. Exploring alternative investigative solutions, establishing an international tribunal, and maintaining international pressure on the Iraqi government are some measures that could address the lasting effects of the Yazidi genocide and sustain the drive for accountability. FYF remains steadfast in its commitment to supporting Yazidi community members as they seek justice and work to rebuild their lives.



Bural ceremony for Yazidi victims in Kocho, Sinjar.



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Photo - Khanke Camp, Duhok, Iraq.