



Reflecting on UNITAD's Legacy

Lessons for Syria



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Executive Summary

In September 2017, the United Nations Security Council (UNSC) voted to create an independent investigative mechanism, the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), which was mandated to support the Iraqi government in holding ISIS accountable for crimes committed in Iraq.¹ The mechanism was to collect, preserve, and store evidence of acts that might amount to war crimes, crimes against humanity, and genocide.

Although UNITAD was operational for eight years, accountability efforts have stalled. The Iraqi government has not passed legislation outlawing international crimes, let alone begun to prosecute those crimes on the scale necessary to grapple with the legacy of ISIS. On September 17, 2024, UNITAD's mandate came to an end per the request of the Iraqi government,² calling into question whether prosecutions for core international crimes committed by ISIS fighters will ever take place. Despite a handful of ISIS prosecutions outside of the country, victims of ISIS in Iraq have yet to see meaningful justice or accountability for the group's horrific crimes.

An overview of UNITAD's efforts nonetheless suggests that in many ways it effectively pursued its mandate during its short period of operation. This discrepancy raises questions about whether UNITAD was the correct institution to support accountability in Iraq, and, more broadly, whether investigative mechanisms like UNITAD are effective tools in pursuing justice. This question has important implications for Syria, where both the International, Impartial, and Independent Mechanism (IIIM) and the Independent Institution on Missing Persons (IIMP) have largely investigative mandates.

Through this report, SJAC will explore why accountability efforts in Iraq have failed to date and the role that UNITAD has played in the process. In so doing, SJAC seeks to extrapolate lessons on how the international community can more effectively support justice processes in Syria. To achieve this, SJAC reviewed UNITAD's public reports, available academic literature, and NGO reports. SJAC also spoke with three representatives of Iraqi civil society and two former UNITAD employees, who were current employees at the time of their interviews.

The Emergence of the Investigative Mechanism

In the 1990s and early 2000s, the UN played a historic role in the expansion of accountability for international crimes, primarily through the establishment of tribunals in the former Yugoslavia and Rwanda, as well as the hybrid Extraordinary Chambers in the Courts of Cambodia. The success of these mechanisms created strong expectations, both among UN officials and civil society activists, for the role the UN would play in pursuing accountability for international crimes. However, the conflicts of the last decade have introduced new challenges, complicating accountability efforts and frustrating expectations.

As early as 2015, when ISIS's crimes were still ongoing, Yazidis and other victims in Iraq began advocating for international support to pursue accountability, particularly for the crime of genocide. Victims and survivors initially called for the crimes to be tried at the International Criminal Court (ICC). Because Iraq is not party to the Rome Statute, Yazidi advocacy organizations focused on the potential to prosecute crimes committed by foreign ISIS fighters, who are themselves citizens of states parties.³ However, because ISIS leadership was primarily made up of Iraqi and Syrian citizens and the ICC focuses on prosecuting those most responsible for serious crimes, the court declined to open an investigation into foreign fighters who did not represent a significant part of ISIS leadership.⁴ Alternative efforts, including by the Kurdish Regional Government in northern Iraq, focused on establishing a special tribunal to prosecute ISIS crimes,⁵ but these efforts were complicated by the difficult relationship between the central Iraqi and Kurdish governments.

At the same time, demands for accountability in Syria were growing, particularly as the Assad government's crimes in besieged Aleppo worsened throughout 2015. Like Iraq, Syria was not party to the Rome Statute and efforts in the UN Security Council to refer the situation to the ICC were met with a Russian veto. Moreover, the Syrian government would not cooperate with any prosecutorial efforts, even against its common enemy ISIS. Moreover, criminal trials in Europe against Syrian perpetrators were still scarce as the large-scale migration of Syrian asylum seekers to Europe had only just begun.

In both Iraq and Syria, a similar compromise emerged. Instead of creating a prosecutorial mechanism, the United Nations would create an investigative one. These investigative mechanisms would have the ability to collect and preserve evidence, analyze that evidence, and hand ready case files to relevant jurisdictions. However, the entity itself would not prosecute crimes.

In December 2016, the UN General Assembly voted to create the IIIM to investigate alleged international crimes in Syria. The mechanism would have to operate without physical access to the country or cooperation from national authorities. The following September, the UN Security Council voted to create UNITAD, mandated to investigate crimes and support the Iraqi government in prosecuting them. A similar lack of options would later lead to the UN's creation of an investigative mechanism for Myanmar (the IIMM), as well as a missing persons mechanism for Syria (the IIMP). What was unique about UNITAD was that it was based in the country where (most) of the crimes occurred and was authorized with the cooperation of the national government, leading to hopes that it would lead to tangible progress.

Continued Government Resistance

While the concept of the investigative mechanism arose in Iraq specifically to overcome government resistance, the Iraqi government remained skeptical of UNITAD, a reality that hampered the mechanism's activities from the beginning.

UK Prime Minister Boris Johnson initially proposed the idea of an investigative mechanism in a speech to the UN General Assembly in September 2016.⁶ Nonetheless, the Iraqi government was still resistant to the concept, believing that it had sufficient experience to pursue terrorism crimes without outside expertise.⁷ The government also hinted at a discomfort with continued international presence in Iraq almost fifteen years after the American invasion, balking at the implication that Iraq needed international support. The Iraqi government's request to the UN Security Council to create UNITAD was a result of extensive diplomatic pressure and ultimately came a full year after Johnson's speech.⁸

UNITAD was designed however to investigate international crimes, which the Iraqi government does not have experience in prosecuting. In fact, the Iraqi penal code does not criminalize atrocity crimes, meaning

that ISIS fighters are charged with terrorism crimes, or occasionally crimes such as murder or kidnapping that do not fully recognize the gravity of their actions.⁹ To bridge this gap, UNITAD's mandate included capacity building support to the Iraqi government to pass legislation criminalizing international crimes.¹⁰ As of publication, however, legislation has been proposed in the Iraqi legislature but has not been passed. The lack of political will to criminalize and prosecute international crimes in Iraq suggests that the Iraqi government was and remains fundamentally uninterested in supporting the type of accountability processes envisioned at the creation of UNITAD.

Ultimately, in September 2023 the UN Security Council announced that UNITAD's mandate would not be renewed beyond September 2024, per the request of the Iraqi government.¹¹ The same concerns that had led to resistance to the creation of the mechanism likely led to its closure: primarily increasing Iraqi concern about the perception of Iraq's need for foreign intervention in criminal matters. This interpretation is strengthened by Iraq's request for the end of the United Nations Assistance Mission in Iraq, which will conclude its work in December 2025.¹²



United Nations

Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD)

The Investigative Team concluded its mandate on 17 September 2024 pursuant to Security Council resolution **2697 (2023)**, and is no longer operational. This website captures its work and overall achievements. It is not updated.



Notice on UNITAD's website announcing the end of its mandate.

Hassan Jameel, the criminal justice working group focal point for the Iraqi NGO alliance C4JR, told SJAC that, in retrospect, in creating UNITAD, the United Nations was not ignorant of Iraqi resistance, but rather incorrectly believed that their outsized influence in the country could force Iraq to pursue accountability.¹³ While these states were successful in securing UNITAD's existence for a time, they ultimately failed to force Iraq's hand and bring about prosecutions.

Early signs suggest that the new Syrian government is likewise skeptical of the role of the UN and its investigative mechanisms. Since the fall of Assad in December 2024, UN entities, including the IIIM and the IIMP, have yet to be granted full access to operate in the country, and the Syrian government has prioritized domestic-led justice efforts. These efforts include the [establishment](#) of a transitional justice commission focused solely on

achieving justice for crimes committed by the former Assad government to the exclusion of other armed groups. The lack of willingness to collaborate with the UN, at least in the case of criminal accountability, may then partly be to ensure that the crimes of Hayat Tahrir Al-Sham and other affiliated groups now involved in governance are not prosecuted.

As Syria grapples with achieving accountability for past crimes while creating a stable future, it sits at a vital juncture—one in which it can learn from the failures of accountability processes in Iraq. In extrapolating these lessons, there remains hope that the international community can support a more successful process in Syria, whether through the existing mechanisms or other means, while also respecting domestic-led efforts.



Missing persons flyers posted by families shortly after the fall of the Assad government (SJAC's Documentation Team).

Reflecting on UNITAD's Work

While UNITAD failed in some respects, its overall record is more nuanced, with some important successes.

UNITAD's mandate laid out a clear, and limited, focus of the mechanism's work. First, the team was to collect evidence of ISIS crimes in Iraq, including through conducting interviews with witnesses and to assess the reliability and use of such evidence. Second, the team was to analyze and preserve that evidence for its use by "competent domestic courts in Iraq and other States."

The terms of reference (TOR) further laid out UNITAD's role in capacity building, stating that the Team would provide "legal assistance and capacity-building to the Government of Iraq in order to strengthen its courts and judicial system."

Over its seven years of work, UNITAD ultimately collected 52.62 terabytes of materials, including both original materials and UNITAD-produced case assessments and analytical reports. Much of this data was categorized and tagged to support easy searches.¹⁴

One clear area of accomplishment for UNITAD was the use of this data and expertise to support criminal trials in Europe of ISIS perpetrators who returned to their countries of origin or migrated after ISIS's defeat. Twenty states and 45 competent authorities within these countries requested assistance from UNITAD, totaling 246 requests for assistance. Of these, 18 indictments were supported by UNITAD, and 15 ultimately resulted in convictions. Furthermore, 30 more cases are currently under investigation in third state jurisdictions.¹⁵

UNITAD also played a vital role in the excavation, identification, and return of remains of ISIS victims, a role not explicitly laid out in its mandate. In partnership with the Mass Graves Directorate and Medico-Legal Directorates in Iraq, UNITAD provided technical expertise in the excavation of 67 mass graves related to ISIS,¹⁶ providing support at every step, from the collection of interviews through excavations and laboratory analysis.¹⁷ In some cases, this has led to successful identification and return of remains to families, such as the return of the remains of 103 Yazidis recovered from nine mass grave sites in the village of Kojo,¹⁸ among others.

The failures of post-ISIS accountability in Iraq are clear. Six years after the territorial defeat of ISIS, ISIS affiliates in Iraq have yet to be charged with international crimes. Those who have been tried are generally convicted of membership in a terrorist organization and often receive summary trials resulting in capital punishment, with little regard to the individual's role within ISIS or level of involvement in the organization's crimes.¹⁹ Victims are left without answers as fact finding is limited to nonexistent in such trials. With the closure of UNITAD, the largest investment in ISIS accountability to date came to an end without a clear path forward.

The final head of UNITAD Christian Ritscher himself has been clear that UNITAD's mandate was "not fully implemented," stating that as many as three more years would have been necessary for such a small mechanism to complete the "relevant lines of investigations," considering the extensive crimes committed.²⁰

In a public event, Natia Navrouzov, the head of the Yazidi NGO Yazda, laid out what UNITAD should have achieved before its closure, including completing the exhumation of mass graves and ongoing investigations. She also stressed that UNITAD should have been closed only after Iraq passed legislation to criminalize atrocity crimes and guarantees it will follow international standards for trials and adopt a survivor-based approach. These steps would have allowed UNITAD to hand over its collected evidence. However, she acknowledged that the failure to complete these steps lies, ultimately, with the Iraqi government.²¹

Most of those interviewed by SJAC, whether from CSOs or UNITAD staff, emphasized that UNITAD achieved what it could, given the context in which it worked and the timeline provided. Jameel, from C4JR, stated, "I wouldn't say they [UNITAD] have failed, I would say that there was a huge gap between what both sides [UNITAD and the Iraqi government] wanted." He emphasized that ultimately the Iraqi government was in control of the accountability process, and the government wanted UNITAD gone.²²

SJAC's interviews further illustrate how the Iraqi government's resistance to UNITAD hampered day-to-day cooperation between UNITAD staff and Iraqi counterparts with whom they were meant to collaborate. Several interviewees referenced the deep distrust and suspicion that UNITAD often faced and the broader

challenges of conducting sensitive work in a low-trust society. One UNITAD staffer noted that a big part of his job was building trust with Iraqi counterparts, requiring extensive relationship-building outside of formal work. He noted that little could be achieved at the “official” level; instead, progress happened during informal, private meetings. “You need to earn trust and show that they can share information that you will not share with anyone else.”²³ Another former UNITAD staff person shared one story of a government official accused by Iraqi intelligence of working too closely with UNITAD. The interviewee noted that that the distrust he faced as a UNITAD staff member was similar to that faced by all NGOs and UN institutions in Iraq, where such organizations are often seen as “spies,” working for their own foreign interests.²⁴



Yazidi IDP Camp in Sharya, Iraq - 2023 (SJAC's Missing Persons Team)

SJAC spoke to one Yazidi civil society member who expressed some frustration with UNITAD’s legacy. Azeez Saeed Rasho, formerly of Yazda and currently with SJAC, accused UNITAD of breaking its promises to the Iraqi people, “The promises made by UNITAD to victims were that they would prosecute crimes committed against them [victims], but the courts that were established were not hybrid courts, just domestic courts. They were limited by Iraqi law. Everything came under an article of the anti-terrorism law, so this is insufficient.”²⁵

While the belief that UNITAD was mandated to create a hybrid tribunal in Iraq is inaccurate, Rasho’s comments reflect a larger anger among Iraqi victims, and particular Yazidis. As Rasho noted, “Yazidis thought the work of

UNITAD would continue until transitional justice was achieved. Until fair and meaningful trials were brought and remains returned.”²⁶ Hassan Jameel recalled a Yazidi survivor reacting to the closure of UNITAD, telling him, “What now? What will happen to my statement? I relived all my sufferings, speaking about it to UNITAD, what will happen to my statement?”²⁷ Many survivors are understandably angry at the failure of the international community to deliver on accountability and are not interested in parsing responsibility between separate institutions.

This anger also reflects a broader lack of understanding by many Iraqis as to the exact mandate of UNITAD. One former UNITAD staff member interviewed by SJAC noted that when he reached out to survivors for interviews

many thought that UNITAD was an American institution. He noted that since the 2003 invasion, many Iraqis assume that foreigners are American. While he would then take the time to explain that UNITAD was independent, impartial, and not associated with the U.S. government, he noted that this communication should have already happened, so that people would have been aware of this before he reached out to them. “Many civil society organizations and even the community leaders could not distinguish between UNITAD and other NGOs on the ground. They didn’t know about the

mandate, didn’t know it was created by the UN Security Council.”²⁸

Two interviewees who spoke with SJAC also raised fears that information shared during UNITAD interviews could be handed to the Iraqi government, against the wish of victims. Rasho noted that many Yazidi survivors have provided testimony naming specific ISIS perpetrators, with close ties to the Iraqi government. These survivors now fear for their safety if their interviews ever make it into the hands of the Iraqi government.²⁹ An anonymous former UNITAD staff member also shared that potential interviewees with UNITAD often told him that they were afraid their information could be shared with the Iraqi government or become public, leading to retribution.³⁰

UNITAD was hampered by a limited mandate from the outset. This was a reflection of the lack of political will to support the prosecution of international crimes, particularly by the Iraqi government. Efforts to build capacity were of limited success and failed to build support for legislation penalizing international crimes. While UNITAD was successful in consolidating and preserving large amounts of evidence, that evidence is no longer being put to use. This has left many Iraqis feeling betrayed, including survivors who had taken the time to provide evidence to UNITAD.

Lesson Learned & Recommendations for Syria

Like UNITAD, the UN IIIM has had success in collecting and analyzing evidence, as well as supporting criminal cases in Europe. The UN IIMP, on the other hand, was still hiring and formalizing its strategy when the Assad government fell on December 8, 2024. Until that date, both mechanisms had assumed that their work would be conducted remotely for the foreseeable future. Since then, however, both entities have visited Syria, met with the new government, and requested to start more in-depth work on the ground, including opening offices. To date, these entities have been met with a cool reception, raising concerns that the failures of UNITAD could be repeated.

Considering these similarities, what can the IIIM and IIMP learn from UNITAD's challenges? More broadly, how can the international community support justice and accountability processes in Syria, beyond the work of these two entities?

The Need for Local Buy-In:

While the responsibility for pursuing accountability for international crimes transcends borders, the reality is that large-scale justice processes continue to rely primarily on the cooperation of domestic jurisdictions. International support can overcome the problems of resources, expertise, or other technical abilities, but it cannot substitute for a lack of political will to pursue accountability. Ultimately in Iraq, post-ISIS justice processes have failed because of a lack of political will from the Iraqi government.

In the case of Syria, the international community should continue to encourage the Syrian government to allow full access to all UN mechanisms. The UN IIIM and IIMP are well-resourced entities with extensive expertise that the government could benefit from. Additionally, UN member states should encourage the UN IIIM and IIMP to be receptive and responsive to the Syrian government's concerns. Both mechanisms should focus on hiring Syrian staff members, including in senior positions, to liaise directly with the government.

However, both entities were designed for a different context than the one in which they are now operating. Even if the government remains resistant to full cooperation, the mechanisms should be creative about where they can add value. For example, despite the challenges facing UNITAD, the forensic team was able to provide extensive support and funding for exhumation efforts, one of the few bright spots in Iraq's pursuit of justice post-ISIS. The international community should explore whether the mandates of the entities need to be expanded or otherwise changed to ensure their effectiveness in the current context. This could include the addition of a formal capacity building mandate for both mechanisms. However, such changes should be made with the buy-in of local authorities that would be the recipient of such support.

Finally, as the role of the UN IIIM and IIMP, as well as that of government-managed justice processes, continues to develop, UN member states should continue to provide resources to individual civil society organizations supporting justice processes, including via documentation, investigation, and advocacy efforts. Justice is a long-term process for any society, and during periods where formal mechanisms may not be operating, it is vital that local civil society organizations be able to continue their efforts.

Honest Communication with Victims

Perhaps the most serious harm that can be assigned to the creation of UNITAD is the way that it raised, and subsequently dashed, the hopes of many victims and survivors. Through SJAC's interviews, it became clear that many people were providing testimonies to UNITAD without fully understanding the mechanism's mandates or limitations. In truth, even with clear communication, this will always be a challenge. The work of justice entities

can be complicated, and of course some survivors will be hopeful about what justice entities can achieve, even when they explain their limitations.

Nonetheless, the anger that remained after UNITAD's closure emphasizes the need for the international community, the IIIM and the IIMP, the Syrian government, and local CSOs to prioritize clear communication about all ongoing justice efforts in Syria. Donors need to fund the communication plans necessary to allow communities to truly engage in and understand justice processes. And such communication needs to happen in a form that is accessible and clear to Syrian communities, including via social media and video content as well as in person engagement.

Data Preservation and Processing

When UNITAD's forthcoming closure was announced, it became apparent that there was no plan for the storage or use of the terabytes of data collected, including extremely sensitive witness testimonies. Would this information remain accessible to prosecutors in Europe or others that could use it? Would it be transferred to the Iraqi government, against the wishes of many survivors? The choice to delay a long-term plan for data preservation dates back to the original terms of reference, which unhelpfully state that the UN and Iraq will agree to the custody of UNITAD data "upon the conclusion of the Investigative Team's mandate."

While UNITAD's data has now been secured within the UN, and victim testimonies will not be handed to the Iraqi government, the data is also not easily accessible to other entities that could benefit from it. The IIIM and the IIMP should learn from this lesson, and create clear, written plans for long-term data storage now. Not only should the data be preserved, but rather it should be preserved in its processed form when relevant, to allow for effective use in the future. Information regarding future preservation should be integrated into informed consent procedures to prevent the type of fear experienced by many Iraqi victims, who worried who may take possession of their interviews upon the closure of UNITAD.

Conclusion and Lessons for Syria

The short lifespan of UNITAD shows that the fight for justice in a particular context does not end with the creation of a single mechanism. Particularly now, when there is an historic opportunity for justice in Syria, the IIIM and IIMP need to be seen as just two parts of a larger strategy through which the international community can support justice in Syria. States that supported the creation of these mechanisms should place diplomatic pressure on the Syrian government to cooperate with the mechanisms, but they should also work with the Syrian government to understand national preferences for justice processes and consider supporting national processes or adjusting the TORs of the UN mechanisms to better meet current needs. States can simultaneously support civil society organizations and other paths towards justice.

Similarly, states that advocated for the creation of UNITAD must not see the closure of the mandate as the end of international support for post-ISIS accountability in Iraq. States should continue to engage diplomatically to work towards the passage of legislation criminalizing international crimes and, in the meantime, provide targeted expertise and support in areas such as grave exhumation where the government is open to assistance, while also funding local CSOs conducting documentation and advocating for accountability and change with the Iraqi government.

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