

33. Threats to international peace and security

During the period under review, the Security Council held two meetings under the item entitled “Threats to international peace and security”. More information about the meetings is provided in table 1 below. In 2021, the Council adopted one resolution under this item, extending the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant (UNITAD) established pursuant to resolution [2379 \(2017\)](#) until 17 September 2022.¹⁰⁹⁰ Council members also held one videoconference in connection with this item in 2021, more details of which are given in table 2 below.¹⁰⁹¹

In 2021, under this item, Council members were briefed on the progress in the work of UNITAD.¹⁰⁹² In this regard, the Special Adviser and Head of the Investigative Team provided two briefings to the members of the Council further to the biannual reports on the activities of the Team.¹⁰⁹³

In an open videoconference on 10 May 2021, the Special Adviser informed Council members about the rapid expansion of UNITAD’s evidentiary holdings over the past six months, including significant developments in the collection of forensic evidence from mass grave sites, digital data extracted from ISIL hard drives and the digitization of documentary case files, in cooperation with Iraqi authorities.¹⁰⁹⁴ The Special Adviser further told Council members that initial case briefs had been completed in relation to two key investigative priorities: the mass killing of unarmed cadets and military personnel at Tikrit Air Academy in June 2014 and the attacks against the Yazidi community in the Sinjar region. With regard to the attack in the Sinjar region, he confirmed to the Council that, based on its independent criminal investigations,

¹⁰⁹⁰ Resolution [2597 \(2021\)](#), para. 2. For further details on the establishment of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh / Islamic State in Iraq and the Levant, see *Repertoire*, Supplement 2016-2017.

¹⁰⁹¹ For more information on the format of meetings, see part II, sect. II. See also [A/76/2](#), part II, chapter 29.

¹⁰⁹² For more information about the situation concerning Iraq, see part I, sect. 21.

¹⁰⁹³ See [S/2021/419](#) and [S/2021/974](#).

¹⁰⁹⁴ See [S/2021/460](#).

UNITAD had established clear and convincing evidence that genocide had been committed by ISIL against the Yazidi as a religious group. In addition, in relation to the mass killing at Tikrit Air Academy, he noted that UNITAD had concluded that those acts constituted war crimes of murder, torture, cruel treatment and outrages upon personal dignity and that based on clear and convincing evidence, a Da'esh video released in July 2015 showing these killings constituted a direct and public incitement to commit genocide against Shia Muslims. To fulfil its mandate, he said that the work of UNITAD had to be put before national courts to prosecute those responsible for the horrific crimes he had described. In this regard, he confirmed that UNITAD had put in place arrangements with the Iraqi judiciary allowing it to transfer evidence collected by the Team concerning financial crimes committed in support of ISIL activities in Iraq. He also said that, in parallel, UNITAD had sought to harness existing channels for the use of its evidence in criminal proceedings, strengthening its support to other national authorities in response to requests for assistance.

During the same videoconference, Council members also heard a briefing by the Nobel Peace Prize laureate, Nadia Murad. While acknowledging that UNITAD's work presented opportunities for justice and that it was contributing evidence to a number of ongoing proceedings, she said that much work remained. She added that with successful investigations, the Council now had to prioritize and accelerate concrete action to address the findings. In this regard, she affirmed that international tribunals were needed to address the universal magnitude of ISIS crimes against humanity. She also referred to her earlier call to the Council to create a clear plan for prosecution and to refer this genocide to the International Criminal Court or to establish a court by treaty. She added that accountability was essential to defeating ISIS and formally acknowledging the trauma survivors continued to endure.

Following the briefing, Council members expressed support for the work of UNITAD, welcomed the progress it had achieved in its investigations and acknowledged the cooperation between the Team and the Iraqi authorities. Council members also discussed the reform of the legislative framework that would enable Iraq to process the evidence collected by UNITAD.¹⁰⁹⁵

¹⁰⁹⁵ China, Ireland, Kenya, Mexico, Saint Vincent and the Grenadines and United States.

In this regard, the representative of France recalled the United Nations consistent position of non-transmission of material in the context of legal proceedings involving the possibility of a death sentence and encouraged the Iraqi authorities to finalize the legislative framework in accordance with the highest human rights standards. The representative of Ireland recalled their unequivocal opposition to the use of the death penalty in this context, and the representative of the United Kingdom urged collaboration to secure an evidence-sharing mechanism that provided assurances on the use of the death penalty. The representative of the Russian Federation stated that there was no reason to make that sort of cooperation dependent on legislative reforms, noting that the Council never prescribed such an approach. Several Council members also referred to the need to respect the sovereignty of Iraq,¹⁰⁹⁶ with some of them recalling that the Iraqi authorities were the primary intended recipients of evidence collected by UNITAD, in accordance with resolution [2379 \(2017\)](#).¹⁰⁹⁷ In his statement, the representative of Iraq noted that his Government was making legal preparations to use evidence received from UNITAD before national courts, thereby enhancing their legal and judicial capabilities. He further underscored that after more than three years of continuous work and concerted efforts by the Government of Iraq and UNITAD, it was crucial for the Government of Iraq to obtain the results and evidence gathered by the Investigative Team and emphasized that UNITAD was to operate with full respect for the sovereignty of Iraq and its jurisdiction over crimes committed in its territory against its citizens. In this regard, he added that the Team had to abide by its mandate and the periods of time specified therein, which had been extended with the approval and at the request of his Government.

On 17 September 2021, further to the request of the Government of Iraq,¹⁰⁹⁸ the Council unanimously adopted resolution [2597 \(2021\)](#), extending the mandate of the Special Adviser and the Investigative Team for a period of one year, until 17 September 2022.¹⁰⁹⁹ By the resolution,

¹⁰⁹⁶ China, Russian Federation, Saint Vincent and the Grenadines and Tunisia.

¹⁰⁹⁷ See [S/2021/460](#), China, India, Russian Federation and Tunisia.

¹⁰⁹⁸ See [S/2021/801](#).

¹⁰⁹⁹ Resolution [2597 \(2021\)](#), para. 2.

the Council also requested the Special Adviser to continue to submit and present reports to the Council on the team's activities every 180 days.¹¹⁰⁰

At the 8914th meeting, held on 2 December 2021, the newly appointed Special Adviser provided his first briefing to the Council on the activities of UNITAD.¹¹⁰¹ He said that there was a moment of perhaps unexpected hope and noted that through the establishment of structural case briefs addressing crimes committed against all impacted communities in Iraq, through the development of detailed case files tying the actions of specific ISIL members to those crimes and by harnessing advanced technology to serve this purpose, a new landscape could be envisioned in which those who believed themselves to be out of reach of justice were held accountable in a court of law. He announced to the Council that UNITAD had finalized its initial case brief concluding that the crimes committed by ISIL members at Badush Central Prison constituted crimes against humanity of murder, extermination, torture, enforced disappearances, persecution and other inhumane acts, and the war crimes of wilful killing, torture, inhumane treatment and outrage upon personal dignity.¹¹⁰² He also indicated that it was essential that those who financially supported and profited from ISIL crimes were also brought to justice. That imperative, combined with a drive to understand the economic mechanisms at the heart of ISIL's operations, he said, had guided the work of the dedicated Financial Crimes Unit of UNITAD. Noting the enhanced engagement with the Iraqi authorities, the Special Adviser acknowledged that the work of UNITAD in implementing its mandate would not be satisfied through the collection of evidence alone, or through the establishment of an archive or historical record, adding that it required putting the evidence to work before the competent courts. In that regard, the Team had redoubled its efforts to share knowledge with national authorities in areas that could ultimately support the development of joint case files and the conduct of proceedings in Iraq. The Special Adviser further asserted that by the end of 2022, UNITAD would have established a cross-cutting and comprehensive legal basis for the prosecution of ISIL members for international crimes committed against a broad range of communities, as well as its chemical-weapons programme and financial support systems. He also underlined his commitment, at the

¹¹⁰⁰ Ibid., para. 3. For further details, see part IX, sect. III.

¹¹⁰¹ See [SG/A/2061](#). See also [S/2021/974](#).

¹¹⁰² See [S/PV.8914](#).

request of the Government of Iraq, to work with all partners in establishing a domestic legal framework that allowed UNITAD to harness the evidence in prosecuting ISIL members in Iraq. In closing, he noted that a landmark moment had been reached in the Higher Regional Court in Frankfurt, Germany, through the first-ever conviction of an ISIL member for the crime of genocide.

Further to the briefing, Council members welcomed the continued progress in UNITAD’s investigations and commended the collaboration between the Team and the Iraqi authorities. Council members also expressed support for and commended UNITAD’s efforts in investigating the use of biological and chemical weapons by ISIL. In reference to the conviction of an ISIL member by a court in Germany, the representative of Kenya recognized the contributions made by UNITAD in this regard. Similarly, the representative of Ireland stated that it was an important reminder of the Team’s value in delivering justice for the victims and survivors of ISIL crimes, and the representative of Niger invited all States to strengthen their cooperation with UNITAD to bring to justice all those who were suspected of committing crimes of terrorism. As in prior discussions on this matter, several Council members underscored the importance of respecting Iraq’s sovereignty in the discharge of UNITAD’s mandate.¹¹⁰³ The representative of Iraq stated that the Iraqi Parliament had completed its first reading of the draft bill establishing the Supreme Iraqi Criminal Tribunal, which would make it possible for Iraq to use the evidence related to crimes committed by Da’esh against the Iraqi people. He also underscored that his Government was following and assessing UNITAD’s work and that it was critical to establish a strategic plan together with the Iraqi National Coordinating Committee in order to achieve UNITAD’s goals while reiterating that Iraq would continue to cooperate with the Investigative Team and would provide the necessary assistance. He also noted that the use of criminal evidence beyond Iraqi jurisdiction had to be subject to the agreement of the Iraqi Government.

Table 1
Meetings: Threats to international peace and security

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decisions and vote (for-against-abstaining)</i>
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¹¹⁰³ China, Saint Vincent and the Grenadines and Tunisia.

S/PV.8863 17 September 2021		Draft resolution submitted by the United Kingdom (S/2021/803)			Resolution 2597 (2021) 15-0-0
S/PV.8914 2 December 2021	Letter dated 24 November 2021 from the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) addressed to the President of the Security Council (S/2021/974)	Iraq	Special Adviser and Head of UNITAD	All Council members, all invitees	

Table 2
Videoconferences: Threats to international peace and security

<i>Videoconference data</i>	<i>Videoconference record</i>	<i>Title</i>	<i>Decision and vote (for-against-abstaining) and record of written procedure</i>
10 May 2021	S/2021/460	Letter dated 12 May 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	