



## Security Council

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### Letter dated 28 December 2023 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 28 December 2023, from Omar al-Barzanji, the Deputy Minister for Foreign Affairs of the Republic of Iraq, addressed to you (see annex), regarding the wish of the Government of the Republic of Iraq to confirm the extension of the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (ISIL) (UNITAD), for one year only until 17 September 2024, without further extension, and the need to hand over all the evidence to the Republic of Iraq. In this context, Iraq emphasizes that it is important that the report of the Secretary-General include recommendations to implement the request contained in paragraph 3 of Security Council resolution [2697 \(2023\)](#).

I would highly appreciate if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Abbas Kadhom **Obaid**  
Chargé d'affaires a.i.



**Annex to the letter dated 28 December 2023 from the  
Chargé d'affaires a.i. of the Permanent Mission of Iraq to  
the United Nations addressed to the Secretary-General**

[Original: Arabic]

**Letter from the Deputy Minister for Foreign Affairs of Iraq  
addressed to the Secretary-General**

It gives me pleasure to reaffirm that the Republic of Iraq is highly desirous of maintaining and strengthening its relations with the United Nations system in a manner that preserves the sovereignty of Iraq and achieves the purposes and principles of the United Nations. In that connection, I have the honour to refer to the letter dated 5 September 2023 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the President of the Security Council (S/2023/654) regarding the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) and to inform you that the Government of Iraq wishes to emphasize the following points:

- Iraq welcomes the adoption of Security Council resolution [2697 \(2023\)](#), which includes the requests that Iraq made in the aforementioned letter from the Deputy Prime Minister and Minister for Foreign Affairs. Iraq reaffirms its firm and final position that the mandate of the Team and its Head should be extended one final time and for one year only, ending on 17 September 2024. The Government of Iraq wishes to terminate the mandate of the Team and its Head in a responsible manner, liquidate the Team's operations and complete all shutdown work during that period.
- Iraq asserts its right to receive, during that period, all evidence (whether evidence that the Team obtained itself or evidence that it received from Iraq and developed using innovative technology), as well as any evidence that could lead to achieving accountability, the receipt of which is a legal and moral right and duty that cannot be waived, for use in the national courts of Iraq. We should like to emphasize that the Government of Iraq has yet to receive any evidence from the Team that could be used in national judicial proceedings.
- The formation of UNITAD is an unprecedented example of international cooperation between States and international organizations to achieve criminal accountability for the most serious crimes at the international level. Iraq is steadfastly committed to the success of this endeavour and to learning from its outcomes. The fulfilment by the Team of its mandate to hand over to Iraq the evidence that it collected in the territory of Iraq, with the full assistance of the Government and judicial system of Iraq, will determine whether this endeavour has been successful. Should that not happen, the willingness of States to enter into such endeavours in the future might be diminished. The Team's mission of collecting, preserving and storing evidence will not have been accomplished unless accountability is achieved at the national level.
- We note that the "reports" and "summaries" that the Team has submitted have no legal or procedural significance before the national courts. Iraq therefore has reservations about the "reports", which are not supported by evidence, that the Team has submitted regarding the crimes committed in Iraq by the terrorist organization Da'esh. The submission of such reports is contrary to what is stated in the relevant Security Council resolutions and to the rules governing jurisdiction. In addition, such reports have no significance from a legal

standpoint. We are surprised by this and wonder why the Team submitted “reports” instead of “evidence”. We note that the two terms are completely different in respect of legal usage and legal value.

- The proviso that witnesses statements, which the Team obtained during the implementation of its mandate in the territory of Iraq and with the assistance and full support of the Government of Iraq, cannot be shared with the Government raises several legal and logical problems and questions regarding the extent of their compatibility with the Team’s mandate and jurisdiction, and the aim of assisting Iraq in achieving accountability.
- We note that the Team’s activities include sharing evidence with third countries, yet it does not share evidence with Iraq in accordance with its mandate and the basis for its establishment, which constitute the essential reason why Iraq recognized the Team’s competence and allowed it to implement its mandate in the territory of Iraq.
- The Government of Iraq affirms that it would like to share evidence with all States after UNITAD has shut down operations in Iraq by the end of 2024. That evidence includes evidence that Iraq possesses and handed over to the Team, or evidence that the Team obtained and developed that will ultimately be given to Iraq in accordance with the Team’s mandate. Iraq wishes to do so in keeping with its unwavering commitment to bring justice to victims and achieve accountability at the national and international levels for the terrorist gangs of Da’esh.
- Iraq has strived assiduously to coordinate and work with UNITAD in the best way possible, and it has provided the facilitation needed to guarantee the Team’s impartiality and independence as it carries out its mandate in accordance with Security Council resolutions and the rules governing jurisdiction. The national technical authorities have made several observations that we believe the Team should have taken into consideration. In addition, it should have adhered to its mandate in accordance with the timelines established in that mandate.
- In order to bring justice to the victims of the terrorist gangs of Da’esh and deliver reparations, 1,550 survivors (men and women) from all components of Iraqi society were given a monthly salary pursuant to the Female Survivors Act (No. 8) of 2021. Legal procedures are under way to duly include the rest of the survivors.
- The competent committee in the Office of the Prime Minister has completed a draft act on countering international crime. The draft was sent to the Council of State, which will review it and then return it to the Cabinet for a vote before it is sent to the Council of Representatives of Iraq for enactment.

*(Signed)* Omar **al-Barzanji**  
Deputy Minister for Foreign Affairs

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