



UNITAD Briefing, 4 December 2023

Malta Statement delivered by Ms Francesca Gatt

Deputy Permanent Representative of Malta to the United Nations, New York

Thank you, President. I also thank Special Adviser Ritscher for his report and briefing, and welcome the Permanent Representative of Iraq to this meeting.

Malta commends UNITAD for the progress achieved across its investigative priorities during the reporting period. We recognise 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 manufacture and use of chemical weapons. We welcome the sharing of both reports with the Iraqi authorities and the Team's commitment 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, community, and religious leaders across all aspects of its investigative work.

President



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 UN 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 our call that such legislation should be progressed as a matter of priority and preclude the application of the death penalty in line with UN best practices.

UNITAD provides wide-ranging technical assistance and support to the Iraqi authorities, including evidence digitisation and preservation, excavation of mass graves and training to judges. We share UNITAD's views regarding the importance of this 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. This 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 roadmap for the completion of the Team's work next March. However, we note the views expressed in the Team's latest 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 mandate, including investigations, evidence collection, and capacity building.

A drawdown of UNITAD's functions must therefore be gradual and orderly, recognising also the need to appropriately deal with confidential and sensitive evidence in the Team's possession. This includes testimonial evidence from victims and witnesses from vulnerable communities.

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

Thank you.