

## C4JR Criminal Justice Working Group Statement on Criminalizing Core International Crimes, Pursuing Cumulative Prosecutions of ISIS Affiliates through Rigorous Trials, and Activating UNITAD Evidence

10 February 2026

The Criminal Justice Working Group (CJWG) expresses its concern regarding the reported transfer of thousands of alleged ISIS affiliates from Syria to Iraq, and the likelihood that these individuals will be prosecuted exclusively under Iraq's counter-terrorism legislation.

While accountability for ISIS crimes remains an urgent priority, counter-terrorism frameworks cannot reflect the full gravity and systematic nature of ISIS committed crimes, amounting to war crimes, crimes against humanity and genocide. Many of these crimes were committed by foreign fighters and beyond Iraqi territory, raising jurisdictional challenges under existing domestic legal frameworks.

We must underscore that prosecutions for terrorism offences do not preclude accountability for core international crimes. Jurisprudence in several European countries demonstrate that cumulative prosecutions for terrorism and core international crimes are possible while respecting the prohibition in international human rights law on double jeopardy. This approach ensures that both state and concerns of individual victims and the right to a fair trial are properly addressed.

In this context, CJWG reminds that the effective prosecution of such crimes requires the international crimes draft law which has been completed by a national working group and reviewed by the State Council, including the incorporation of principles of universal jurisdiction, in line with international legal standards. Without such legal tools, Iraq risks being unable to lawfully and credibly prosecute individuals responsible for the most serious crimes of concern to the international community.

CJWG recalls that Iraq has recently been elected as a member of the United Nations Human Rights Council (UNHRC). Pursuant to General Assembly resolution 60/251 (2006), Council members are required to "uphold the highest standards in the promotion and protection of human rights" and to "fully cooperate with the Council." Ensuring accountability for international crimes through fair trials that meet international human rights standards is an essential component of fulfilling these obligations.

In parallel, CJWG calls on the United Nations and the international community to activate the enhanced archiving system for evidence collected by UNITAD, as recommended by the UN Secretary-General, so that the integral evidentiary holdings may be put to their intended use.

Considering the above, CJWG calls for:

1. Expediting the process of passing the international crimes draft law and establishing appropriate accountability mechanisms which allows prosecution of ISIS affiliates, irrespective of their nationality.
2. Meaningful involvement of survivors and victim associations in shaping accountability processes and justice-centered legal reforms.
3. International partners and organizations to provide technical, political, and legal assistance to Iraq in advancing these reforms, and to expedite establishing an enhanced UN archiving system capable of preserving the UNITAD collected evidence in accordance with international criminal law standards and responding to judicial requests, as recommended by the UN Secretary-General.

CJWG believes that this moment presents a critical opportunity for Iraq to demonstrate leadership in the fight against impunity, to honor the rights of survivors, and to align its justice system with international legal and human rights standards. Accountability for international crimes is not only a legal necessity, it is a moral and political imperative.

**Undersigned organizations:**

1. Better World Organization BWO
2. Center for Victims of Torture
3. Coalition for Just Reparations (C4JR)
4. Emma Organization
5. Farida Global Organization
6. Human Rights Watch
7. Jiyan Foundation for Human Rights
8. Kurdistan Center for International Law KCIL
9. Peoples Development Organization PDO
10. The Lotus Flower Organization TLF
11. Victims in Iraq of Spicher- 1700 NGO
12. Yazda
13. Yazidi Legal Network