

Geneva International Centre *for* Justice

GICJ

GICJ is an independent, international, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes.

Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work on Iraq

GICJ has been tackling issues of justice and accountability pertaining to Iraq since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network within Iraq. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in Iraq. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

Contents

Executive Summary.....	1
1. Context.....	2
Human Rights Situation in Iraq.....	2
Enforced Disappearances Specifically.....	3
2. Deficiencies in the Iraqi Government’s Reply	4
Reply to Recommendation on Paragraph 8.....	4
Reply to Recommendation on Paragraph 10.....	5
Reply to Recommendation on Paragraph 12.....	5
Reply to Recommendation on Paragraph 14.....	5
Reply to Recommendation on Paragraph 16.....	6
Reply to Recommendation on Paragraph 18.....	7
Reply to Recommendation on Paragraph 20.....	7
Reply to Recommendation on Paragraph 21.....	8
Reply to Recommendation on Paragraph 23.....	8
Reply to Recommendation on Paragraph 24.....	8
Reply to Recommendation on Paragraph 29.....	8
Reply to Recommendation on Paragraph 30.....	9
Reply to Recommendation on Paragraph 32.....	9
Reply to Recommendation on Paragraph 34.....	9
Reply to Recommendation on Paragraph 36.....	9
3. The Persistence of Enforced Disappearances Since the Committee’s 151st Meeting Held on 16 September 2015:.....	10
Al Anbar Province.....	11
Al Ramadi	11
Events in Fallujah 2016	11
Diyala Province.....	12
Salah ad-Din Province.....	14
Baiji City.....	14
Al Dour City.....	14
The Crackdown of the October 2019 Demonstrations	15
4. Conclusion.....	15
5. Recommendations:	16

Executive Summary

Geneva International Centre for Justice (GICJ) welcomes the review of Iraq's follow up report by the UN Committee on Enforced Disappearances. We hope that the committee will take all actions within its power to push for an end to this continued practice.

- It is necessary to start by stating that little to no improvement has taken place in Iraq since the last review of Iraq by this Committee in September 2015. As such, much of the issues raised at that time must be reiterated and evidence of new acts of Enforced Disappearances will be presented.
- Enforced disappearance is a widespread and ongoing challenge in Iraq. Units belonging to the Interior, Defence Ministry, and affiliated militias wearing official uniform, have perpetrated most of the enforced disappearances cases in Iraq since 2003.
- It is important to stress that most, if not all the laws that Iraq point to on the matter are systematically applied in a discriminatory fashion to favour the political elite and in order to legitimize grave violations such as enforced disappearances.
- Although Iraq has ratified the Convention, entered into force on 23 December 2010, it has not yet provided an effective legislation to implement it. We still cannot find a clear interpretation to the definition of "disappearance" in Iraqi law.
- Iraq, so far, has not declared that it recognizes Article 31 of the CED, regarding the competence of the Committee to receive and consider communications from or on behalf of individuals.
- No legal proceeding has been taken against perpetrators of enforced disappearances. However, the government still insists that it is a problem of the past. As such, all the efforts, programmes, and laws are designed to deal with cases of disappearances that happened before 2003.
- GICJ is working closely with several Iraqi NGOs and human rights activists that have gathered extensive evidence on thousands of cases of enforced disappearances.
- GICJ has a direct contact with hundreds of families of disappeared persons, they are desperately seeking help to find where about their loved ones.

- The Iraqi government is intentionally ignoring the fact that hundreds of thousands of civilians were detained by US forces and Iraqi government units after 2003 invasion and subsequent occupation. Many of the detainees have not been reported until now. This fact is absent from the Iraqi government's report and subsequent documents, as well as, programs and legislations.
- Although there is no credible data that can tell us the exact number of persons who disappeared in Iraq since 2003 but from our contacts in Iraq, we believe that the total is between 500000 and up to 1000000 persons.

1. Context

Human Rights Situation in Iraq

To understand the dilemma of enforced disappearances in Iraq one must understand the human rights situation in Iraq as a whole.

- Numerous grave and widespread human rights abuses occur daily in Iraq. The abuses include arbitrary or extra-judicial killing, torture, enforced disappearances, arbitrary detention, media intimidation, and suppression of peaceful demonstrations, wholesale destruction of critical infrastructure, lack of food and safe water supplies, and an absence of basic services across most of the country.
- The grave human rights abuses are systematically perpetrated by the government itself and its so-called security forces and affiliated militias.
- The Iraqi forces and the coalition have carried out a series of unlawful acts during the liberation operations against ISIS (2014-2018), where they relied on the use of unsuitable weapons, such as explosive weapons, which created disastrous results in densely populated areas. Even when the attacks reached their military targets, the operations seemed to have been conducted without the necessary precautions, and thus have resulted in needless losses of civilians.
- The government is rife with corruption, and the justice system lacks transparency. Iraq produces millions of barrels of oil every day, and yet the government does not have the resources to prevent civilian deaths from starvation, disease and uncontrolled violence

- Without the restoration of the rule of law or the respect for due process, many face arbitrary detention and criminal charges without a fair trial and with a high likelihood of conviction. Iraq is one of the top countries in applying the death penalty, conviction all too often brings with its execution by the government.

Enforced Disappearances Specifically

- It is important to understand the system of detention in Iraq. From most cases followed by GICJ, and by many other organisations, a pattern emerges: when the arrest and detention occur, nobody knows which authority is in charge (i.e. the name of the forces or the unit), nor which ministry they report to, or where the persons are taken. Of course, no one is informed of the charges filed against the individual. There are no proper records to register all the detainees.
- From the thousands of cases of enforced disappearances reviewed by GICJ, most of the victims were abducted while they were going about their day, on their way to work, school, or to shopping centres. Some were seen being picked up by police or security forces, others by uniformed militias and thrown into vehicles. This indicates that they are affiliated with government security forces, yet the government simply denies the arrests were carried out by their forces. A common tactic of the government forces or militias is to shoot in the air in order to prevent people from approaching the scene so as not to film, or record license-plate numbers.
- The Anti-Terrorism Law no. 13 of 2005 and Article 4 allowed the Iraqi Security Forces to arrest anyone suspected of terrorism. This law was widely used to legitimize the detention of thousands of people without real charges -under the pretext of fighting terrorism- and most of them disappeared without further information.
- Arbitrary arrests, torture, and extrajudicial or summary executions; these practices all increase the number of victims, many of whom remain unidentified and/or unreported to their families and unregistered with the governmental authorities.
- Secret prisons continue to be widely used in Iraq. It is shocking to find that the number of secret detention centres in Iraq is several times higher than that of the

legitimate prisons. Credible information collected by GICJ indicates that there are more than 420 secret prisons in Iraq.

- 2014 saw the emergence, with government approval, of “Al Hashad Al Shaabi” or “The Popular Mobilization Forces” as an umbrella of the existing brutal militias under the pretext of fighting ISIS. These militias are responsible for some of the most horrific crimes against the people living in the areas disputed with ISIS by the Iraqi government. They also pursue a sectarian agenda which aims to systematically destroy entire villages and uproot their inhabitants through widespread sectarian cleansing.
- This happened in Diyala, Salah ad-Din, Al-Anbar and Ta’imim province. Al-Hashad Al-Shaabi abducted and detained hundreds of civilians but, so far, nobody knows where they are.
- As of 24 February 2016, even after this Committee’s last session, Al-Hashad Al-Shaabi was directly linked to the Prime Minister, as per Office Order 91.
- The problem persists to this day, most probably due to corruption, impunity, and the multiplication of security agencies. The actions undertaken by the authorities in Iraq are a violation of the fundamental rights of detained persons according to the CED and other human rights instruments, as well as the government obligations under the Iraqi constitution and other domestic laws. The perpetrators are enjoying the state of impunity and participating with ongoing human rights violations.

2. Deficiencies in the Iraqi Government’s Reply

GICJ wishes to comment on the numerous replies, submitted in its 21 August 2019 Document entitled “Additional information submitted by Iraq under article 29 (4) of the Convention”, by the Government of Iraq, to this Committee’s September 2015 Concluding Remarks.

Reply to Recommendation on Paragraph 8

- The creation of a “Missing Persons Section” in the Human Rights Department of the Ministry of Justice is another step by the Iraqi government to escape the

acknowledgment of the existence of the enforced disappearances problem after 2003 era.

- Nevertheless, and based on information we have collected, we can confirm that most families are too afraid to complain or report a missing person or a disappearance, for fear of reprisals. As such, a procedure described fails to elaborate guarantees of protection for those who would report a disappearance. It further fails to guarantee any follow up, assuming that a report was filed.

Reply to Recommendation on Paragraph 10

- It is clear through its language that the Government of Iraq has no intention of recognising the competence of this Committee under articles 31 and 32 of the Convention. Instead, the government is trying to say that it will process communications that fall within the concerned competence of this Committee through its judicial and executive systems. GICJ therefore worries about the appropriateness of such a solution, considering the incapable judicial system, the lack of transparency, as well as corruption running free in Iraq.

Reply to Recommendation on Paragraph 12

- This reply is the perfect example of the Government's strategy to divert attention from recent and/or ongoing disappearances to those allegedly committed before 2003. It focuses on the work done by the so-called Martyr's Foundation and the National Centre for the Documentation of Baath Crimes.
- We are once again forced to be redundant. The Committee's request was forward thinking and concerned all cases of enforced disappearances, including those attributable to the current government.

Reply to Recommendation on Paragraph 14

- The Iraqi delegation continues to read article 92 of the Code of Criminal Procedure, stating that "no one may be arrested or apprehended except pursuant to a warrant issued by a judge or a court and in accordance with the conditions established by law" (Paragraph 76, as well as 20, of the Iraqi Statement). The practice is completely different, however. In most of the cases, arrests are warrantless. A late warrant is sometimes issued days after the arrest, mainly to give a legal justification to the rare cases that the government will acknowledge.

In most cases however, the government will not acknowledge the arrest. The government is of no help to the families. On the contrary, families are often afraid to ask about their loved ones or relatives. This is the face of enforced disappearances in Iraq.

- The Committee recommended an autonomous offense of forced disappearance be incorporated into Iraqi Law. The Iraqi government clearly stated that its laws “contain[ed] no clear and explicit definition of the offense of enforced disappearance in accordance with the definition contained in article 2 of the Convention”. This is exactly the contrary of “an incorporated and autonomous offense of forced disappearance”. GICJ believes that the government cannot than argue compliance with this Committee’s recommendation.
- Furthermore, the existence of provisions (322, 324, 421, 422, 423, 424, 425, and 426), read in conjunction, is hardly a convincing argument to establish the legal autonomy of the offense. Legally and factually speaking, this creates a huge burden in establishing the existence and the commission of the offense, let alone its application to Government agents.
- Finally, the Iraqi Government presents a proposed bill as evidence of its conventional obligations. It will always be our position that proposed bills are insufficient to establish compliance. Such bills are inevitably subject to review and modification, as well as run the risk of never even being voted into law.

Reply to Recommendation on Paragraph 16

- The laws invoked by the Iraqi Government lack clarity on certain points. Indeed, the Internal Security Forces Penal Code as presented by the Government prohibits “offenses involving abuse of authority” or “the performance of activities for a personal benefit unrelated to the requirements of service”.
- There is doubt as to whether this language would first, apply to the crime of enforced disappearances; second, apply to state-sponsored activities; and third; apply to the activities of militias and paramilitary groups. We have gathered evidence of systematic abuses of authority and activities to acquire personal benefit.

Reply to Recommendation on Paragraph 18

- The intent of recommendation on Paragraph 18 was to obtain assurances that the Iraqi government and its courts have the required jurisdictional competence to hold those responsible accountable for the crime of enforced disappearance.
- Noting that articles 6 and 13 of the Iraqi Penal Code are insufficient to exercise territorial or universal jurisdiction over an offense that is not even defined in its laws, nor recognised as a crime against humanity, there is also a lack of clarity regarding personal jurisdiction.
- Article 11 of the same Code provides that: “This Code is not applicable to offences that are committed in Iraq by persons who benefit from statutory protection under the terms of international agreements or international or domestic law”. Even though privileges and immunities are necessary for the rule of law, the Iraqi government has not established its potential jurisdiction for the actions of security forces and government officials, let alone members of militias.

Reply to Recommendation on Paragraph 20

- We are very concerned over the judicial committee that the Iraqi government has established to oversee “disputes and vexatious legal proceedings concerning detainees, abductees, missing persons and persons held in preventive custody”. This committee is comprised of a judge from the Supreme Judicial Council and “members drawn from representatives of the security agencies and relevant ministries”. We worry that the composition of this committee compromises any chances of it being independent. We are also concerned over the lack of mention of enforced disappearances cases.
- The Government further claims that its Ministry of Interior continues to oversee its personnel with a view of preventing and prosecute enforced disappearances “in the event that such an offence is found to have occurred”. The Iraqi government needs to be more specific. Of which offences are they speaking? The ones that they are willing to acknowledge, the rare ones that have been reported by the families, or the thousand others that credible sources have reported?

Reply to Recommendation on Paragraph 21

- The unit described in paragraph 34 of Iraq's Additional Information, is specifically designed to treat solely disappearances that predate the 2003 invasion or missing persons due to ISIL occupation. It will naturally not investigate disappearances attributable to the current government and its militias.

Reply to Recommendation on Paragraph 23

- It is important that the Government of Iraq to hold ISIL members to account for the atrocities committed during the occupation. Only true Justice should prevail, however. There are trials but they are neither transparent nor independent. We are seeing many of the population accused of being linked to ISIL only because they were lived under ISIL rule. Many face the death penalty without a proper defence. Additionally, the prosecution of alleged ISIL members is used to justify an intense discrimination based on sectarian considerations.

Reply to Recommendation on Paragraph 24

- Those who are protected are individuals who claim to be witnesses to acts committed before 2003, as well as anyone who claim to be witnesses of acts by committed by individuals aligned with ISIS. There is no protection for individuals who witnessed violations by government forces and the militias, and who wish to submit information and report the incidents.

Reply to Recommendation on Paragraph 29

- The committee might be aware of the difference between the law and its application in Iraq. Secret detention centres are still widely used. Enforced disappearances persist because of this system; it is at the root of the problem. Official prisons are over-crowded; lawyers have no real access to detainees and are regularly threatened. Family visits are very rare; families only send older women because of fear of anyone else disappearing. Torture, inhumane treatment is daily practices, and many detainees die as a result. It is worth noting that the United Nations Mission to Iraq and the Iraqi High Commissioner for Human Rights were not able to visit the detainees until recently, and still they may not meet any detainee without the presence of the authorities.

Reply to Recommendation on Paragraph 30

- The observations made in the previous paragraph are applicable to the Iraqi government's reply to paragraph 30. In particular, Iraq's statement in paragraph 80 of its Supplemental Information, that there are no secret detention centres is just total lie. There is unfortunately no other diplomatic way to describe this statement. It must be reaffirmed here that the government is fully aware that secret detentions are in every corner in Iraq; wherever there is a security or militia unit, there will be a secret detention there. If, as the government suggests, all detentions facilities are open to the international community, then please let them send an invitation to the various Special Procedures. The Special Rapporteur on Torture has been waiting for more than a decade to visit these centres.

Reply to Recommendation on Paragraph 32

- The Iraqi government has enacted Act No. 20 of 2009 to provide compensation to those who sustained damages as a result of the war, military errors, and acts of terrorism. We could not find a clear regulation about disappearances in it. There is a very vague reference to the "missing" in this law and we wonder how this would apply to the enforced disappearances.
- From the information GICJ gathered, there are a lot of obstacles in the implementation of this law; from the very slow procedures to corruption and the influence of religious figures or political parties There is no discussion on the manner nor to whom compensation should be paid.

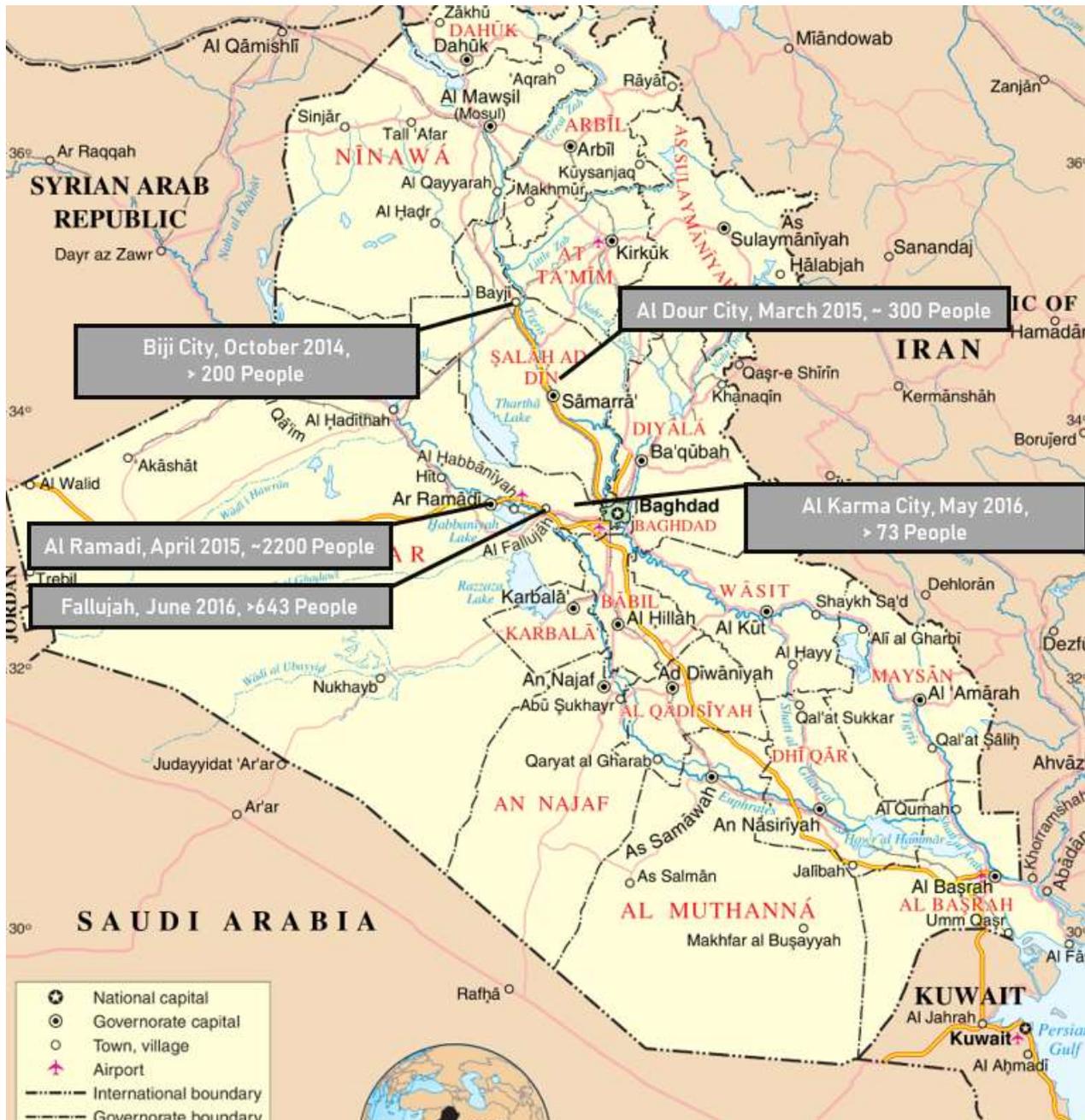
Reply to Recommendation on Paragraph 34

- Once again, through its reply the government is focused only disappearances that predate the 2003 invasion and those committed by ISIL. There is no official recognition of enforced disappearances committed by the government.

Reply to Recommendation on Paragraph 36

- There are no clear provisions to protect those who have disappeared in Iraq. The government is still playing on words. The provisions do not relate to the families of "missing" persons that have disappeared at the hands of government or the militias.

3. The Persistence of Enforced Disappearances Since the Committee's 151st Meeting Held on 16 September 2015:



It must be mentioned here that cases of disappearances of thousands of persons occurred in different time in 2015 and were not covered by reports submitted to the committee since the review was covering the period before that review. In the following paragraphs are examples of cases documented by Geneva International Centre for Justice.

Al Anbar Province

Al Ramadi

- A systematic abduction of civilians from Al Anbar province who were fleeing the violence and control of ISIS during the government attack throughout the year 2015 had occurred. Thousands of people reached a location that would lead them to the capital Baghdad, the Bzebiz Bridge. But the government refused to allow them to pass, on the contrary some (politicians) claimed that ISIS members may be hidden among those civilians. The militias were controlling the check points around the area and abducted 2200 persons, then refuses to acknowledge that they were under their custody. Despite calls from the local authorities in Al Anbar province, several members of the Iraqi parliament the government who were aware of all that did nothing to discover the whereabouts of those who disappeared. According to information gathered by GICJ the main perpetrators of these abduction were Kata'ib Hezbollah-Iraq, and Asa'ib Ahl al-Haq.
- On the 27th May 2016, GICJ received documented proof that a militia organization called "Risaliyon", under the command of the Iraqi parliament member Adnan Al Shahmani, abducted 73 men from the city of al-Karmah after escaping ISIS and then detained and taken to unknown place. The fate of this group is still unknown.

Events in Fallujah 2016

- On 22 May, 2016, Iraqi security forces, backed by hundreds of militias - trained and armed by Iran- and well supported by a US-led air coalition, launched an attack against Fallujah, which predictably proved to have been another pretext for sectarian violence in Iraq.
- Militia units, who took part to the conflict, and belonging to the umbrella organization Al-Hashad al-Shaabi, were extensively reported of having committed crimes of all sorts against those who managed to escape the city earlier that year.
- During the fighting in Saqlawiya, a small city 20 km west of Fallujah, between the 2nd and the 5th June 2016, over 1,000 civilians fled the and sought the assistance and help of the nearest military unit, but they found that this unit is Al-Hashad al-Shaabi militias. Of these, hundreds were executed or died as a consequence of the severe torture practices, while others disappeared. GICJ documented 643 of such

cases of. Families have not been informed of their whereabouts or even the reason for their detention, leaving hundreds of wives, mothers and other relatives in absolute despair. GICJ receives daily calls from family members demanding truth and justice for their loved ones.

- These facts were confirmed by the local authorities in Al-Anbar province, Mr. Ján Kubiš, Special Representative of the UN Secretary-General and Head of the UN Assistance Mission for Iraq, in a briefing of the Security Council held on 15 July 2016 as well as by Mr. Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, in a statement on the 5 July 2016. But the government, while fully aware of the situation, has so far not acknowledged the abductions, and no real efforts to find the disappeared persons have occurred.
- The list of those who disappeared in Saqlawiya highlights one important pattern: the victims of the militias' abductions are mostly members of the same families. This is evidence that there is intent to target individuals on the basis of their sect or ethnic origins, namely the Sunni community.
- The main perpetrators of these abduction were Kata'ib Hezbollah-Iraq, Asa'ib Ahl al-Haq and Badr brigade with the knowledge and cooperation of the Iraqi forces.
- These are not isolated incidents caused by the misconduct of a few individuals vis-à-vis an otherwise impeccable conduct -as the Iraqi authorities claim- but constitute a well-orchestrated strategy of demographical change by the government. Enforced disappearances have in fact become a widespread tool of intimidation in Iraq nowadays, and what happened in Saqlawiya is neither the first nor the last case of its kind.

Diyala Province

- Some parts of Diyala Province fell under ISIS control for a brief period following its entry into Iraq in June 2014, which resulted in many tragedies, horrors and violations. Before the end of January 2015, the Iraqi military forces announced the full liberation of all the areas that was under ISIS control in the province.
- Several militias, mainly Asa'ib Ahl al-Haq, Badr brigade, Saraya Al Salam and Hezbollah took advantage of the tense situation to seize control of all the province resources, and prevented a large number of citizens who were forced to leave

because they were targeted by ISIS or anti-ISIS forces from returning to their homes. Most of the citizens deprived from returning to their homes are residents of Muqdadiyah and the Sinsil Bassin which includes more than 33 villages. Militias and security forces have expropriated their villages and homes, took what could be stolen, as well as burned and destroyed much of the remaining farmland.

- In the meantime, the destruction of mosques on a clearly identifiable sectarian basis continued at the hands of these militias, along with the senseless murder of many worshipers and religious leaders. Through this policy, the militias forced the citizens to leave their places of residence, leaving behind them their land, homes and belongings. Once people have left, the militias came and systematically looted every house, often burning or destroying them in the process so that they became uninhabitable for their legitimate owners.
- The threat campaign in Diyala took various forms including organized assassinations and summary executions. Testimonies from members of the Iraqi parliament certify that mass execution had taken place and indicated that the number of murders in Muqdadiyah alone had reached seven to ten cases a day. Kidnappings, often targeting young people, are also one of the numerous methods used by the militias to intimidate people.
- GICJ has documented the bombing of five mosques on the 11th of January 2016 alone, the execution of 30 people, and the wounding of more than 60 in an appalling cleansing operation. Within a few days, the number of mosques that have been blown up reached 13 mosques. In the period from 1st and until 19 January 2016, figures also indicate an increasing number of mass assassinations, totalling more than 120 victims, the vast majority of them being young men.
- This campaign continued for more than a year, whereby hundreds of people had been abducted by governmental units and the militias, and until this year (2020) nobody knows the whereabouts of these individuals. Moreover, in 2019 other incidents of forced displacement occurred in several villages of Abi Sayda city in Diyala province.
- The events unfolding in Diyala were part of a systematic policy implemented by the Iraqi authorities through its affiliated militias that clearly aimed at displacing

Sunni Arabs residents and to provoke a forcible demographic change within the Province of Diyala. As a result, the number of disappeared persons is growing each year.

Salah ad-Din Province

Baiji City

- Baiji has a population of around 200.000, and most of them are Sunni Arab. The city fell in the hands of ISIS in June 2014, following the sudden withdrawal of governmental forces. The campaign to reclaim Baiji started on 17 October 2014. Government security forces and Hashad Al Shaabi militias participated in the operations. By 14 November 2014, the city was liberated from ISIS control according to the Iraqi governmental forces.
- As in other city operations against ISIS, no measures to avoid inflicting damages to the city, its surrounding villages, as well as to the population, who only found themselves under ISIS rule because of the government's withdrawal.
- Within Baiji and its surroundings, damages have been estimated to be between 30 to 95 percent, most of it intentionally caused by the militias. In centre of Baji the damages in some neighbourhoods were at 75-100%. The attack and destruction by the militias also included most of the mosques in the city and its surroundings.
- This forced much of the population to leave under the pressure of the militias. The militias abducted more than 200 persons from the city and the surrounding villages, whose whereabouts are still unknown.

Al Dour City

- Al Dour was also attacked by ISIS in 2014. The government and militias then took it back in the first week of March 2015.
- But the militia, mainly Kata'ib Hezbollah, however, used the operation as a pretext to destroy most of the city. They burned houses, villages, and farms.
- They kidnapped took 300 persons, most of them were men from specifically targeted families. Still whereabouts are still unknown.

The Crackdown of the October 2019 Demonstrations

- Throughout the anti-government demonstrations raging in the Iraq since the beginning of October 2019, the threats, kidnappings and assassinations of civil activists and media personnel have continued to make headlines. Indeed, tactics of protest suppression have stretched far beyond the indiscriminate targeting of demonstrators, with growing numbers of human rights defenders and journalists being killed under mysterious circumstances or forcibly disappeared, with their dismembered remains often being uncovered nearby. It is almost certain that such activities are being carried out under the orders of the Prime Minister, either by the government's own security personnel or by independent militias.
- Targeted assassinations and forced abductions, especially of civil activists and members of the press, have become widespread. As of the end of January 2020, we have registered over 150 cases of abductions and assassinations of human rights defenders and civil activists. Most of the cases occur while these activists are returning to their homes from the demonstrations. This increased, systematic, and widespread attack by the Government against its own population is very alarming and needs to be addressed by the international community. Security forces are not only attacking protests leaders and activists but are also intentionally targeting medics whose only objective is to treat those who have already fallen victim to the violence. The whereabouts of many of the abducted activists are still unknown.

4. Conclusion

- The dysfunctional governance apparatus, combined with the ineffective, corrupt, and biased judiciary have translated into a massive lack of accountability for victims of abuses and have encouraged the great degree of impunity which perpetrators shamelessly enjoy.
- Due to the lack of political will, no proper legal framework has been established to deal with the numerous cases of enforced disappearances since 2003. There is no clear criminalization of enforced disappearances, as the government itself notes in its recent report submitted to the Committee.

- Thus, we regret that the CED has no implication on the situation in Iraq. Iraq as a state party should have complied with its human rights obligations during its fight against ISIS, including its obligation under the CED.
- The Iraqi government must understand that it is its obligation, not the previous government, to set up priorities and to deal with the whole problem of disappearances. Thus, the government must answer questions regarding the disappearances in Iraq, during and after the US occupation, as a result of abduction, arbitrary arrests, and summary executions.

5. Recommendations:

- The Iraqi government must take urgent action to stop all arbitrary and unlawful arrests and abductions.
- The Iraqi authorities must urgently register all detainees and give access to their families, including to those in secret prisons.
- The Iraqi government must ensure that there is clarity regarding the authority carried by all division of its security forces; multiple forces should not hold the authority to detain individuals.
- All militias and other armed group should be criminalized and abolished.
- A comprehensive strategy should be formulated aiming to search for all those disappeared persons in Iraq, after 2003.
- The UN should take an effective role in ensuring that the issue of enforced disappearances be handled in a way to find answers for all families of those missing persons in Iraq, regardless of date, reasons, and ethnic or religious background.
- Finally, we believe that without an independent, international commission of inquiry, this and other violations in Iraq will not be appropriately examined in order to find solutions.



Geneva International Centre *for* Justice
(GICJ)

Tel: +41 22 788 19 71

Email: info@gicj.org

Headquarters: 150 Route de Ferney, CH 1211 Geneva 2 – Switzerland

www.gicj.org