

ICMP IN IRAQ

1. The International Commission on Missing Persons (ICMP) has been engaged in Iraq since 2005 and established offices in the country in 2008. It works to assist Iraqi authorities in creating a sustainable strategy to account for all missing persons and to help them in their work to secure the rights of all families of the missing. ICMP has supported the efforts of Iraq to investigate disappearances and persons going missing regardless of the circumstances, in particular through activities as outlined below.

I. INSTITUTIONAL COOPERATION

2. ICMP contributed to the efforts of key government authorities in Federal Iraq and the Kurdistan Regional Government (KRG) on implementing the Law on Mass Graves Affairs. This cooperation provided a framework for joint excavations and cooperation, and led to the establishment the National Team, which includes the Mass Graves Directorate of the Martyrs' Foundation, the Medico-Legal Directorate of the Ministry of Health, and the Ministry of Martyrs' and Anfal Affairs of the KRG.
3. ICMP cooperates with the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) to ensure that its work supports also UNITAD's judicial process and investigative mandate. ICMP also collaborates with the Iraqi High Commission for Human Rights and the United Nations Assistance Mission in Iraq (UNAMI) to finalize Iraq's draft bill on enforced disappearances in compliance with the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

II. CAPACITY BUILDING

4. Since 2008, ICMP has provided more than 100 technical assistance and capacity building initiatives, including the training of more than 300 technical specialists from the national team in charge of locating, recovering, and examining the remains of missing persons. In addition, over 30 Iraqi scientists have participated in ICMP DNA analysis training and more than 40 Iraqi specialists have taken part in training on DNA reference sample collection and processing.
5. ICMP also has supported over 30 field deployments and provided onsite mentoring to national team members as they protected and excavated mass graves in Camp Speicher in Tikrit and Sinjar and as they conducted mortuary examinations on the recovered human remains. In November and December 2019, ICMP worked with the national team in the excavation of a mass grave in Ishaqi and supported the protection of mass graves in Najaf. In October 2019, ICMP and the national team conducted the first joint DNA reference sample data collection in a camp housing internally displaced persons, a crucial step to support DNA-based identification.

III. POLICY FORMULATION ON MISSING AND DISAPPEARED PERSONS

6. In 2015, ICMP convened consultative conferences in Baghdad and Erbil to determine priorities for a general policy on disappeared and missing persons in Iraq. Follow-up roundtables, workshops and working group meetings were held in Baghdad and Erbil in 2017, including efforts to advance the implementation of legislation under the ICPPED. In 2020, ICMP completed a renewed policy consultations process with the aim of facilitating efforts of the Iraqi partners to create a central body that would be responsible for accounting for all missing persons, including forcibly disappeared persons and those covered by the definition of Article 3 of the ICPPED. In a recent report, UNAMI/Office of the High Commissioner on Human Rights (OHCHR) encourages the *“Government [of Iraq] to expedite its efforts, in cooperation with ICMP, to create a central body responsible for accounting for all missing and a central record of missing persons accessible to the public.”*

IV. DATABASE OF MISSING AND DISAPPEARED PERSONS

7. ICMP supports the authorities in Iraq in the establishment of a central repository and record on disappeared and missing persons that comprises all reports and data, including those related to conflicts with neighbouring countries, the regime of Saddam Hussein, and Da’esh crimes. This assistance includes developing capabilities in data processing that support and advance forensic investigations as well as implementing coordinated measures to ensure personal data privacy rights, especially concerning the risks associated with genetic testing.

V. NATIONAL CENTER FOR MISSING AND DISAPPEARED PERSONS

8. In support of the creation of a national centre on disappeared and missing persons, ICMP presented a peer-reviewed *Discussion Paper on the Establishment of the Coordination Body on Missing Persons in Iraq (ICMP.GR.IRQ.173.1.doc)* in June 2020 to the government and specialized government institutions.

VI. SUPPORT IN RESPECT OF THE CONVENTION

9. ICMP advanced its cooperation with the Iraqi High Commission for Human Rights (IHCHR) and the UNAMI/OHCHR to support the Government of Iraq in implementing its obligations under domestic and international human rights law as regards to the missing and forcibly disappeared.
10. ICMP has been providing legal assistance to Iraq/Iraqi state entities in finalizing the draft Law on Enforced Disappearances. At the request of the IHCHR, ICMP submitted comments to two versions of the draft Law on Enforced Disappearance prepared by the IHCHR. In 2019-2020, ICMP held two workshops with the IHCHR, including on the draft Law on Enforced Disappearance. ICMP has been working jointly with the UNAMI/OHCHR in analyzing challenges in the process of reporting potential cases of enforced disappearances in Iraq. In order to improve search and investigation capacities of the Government of Iraq, ICMP recommends to:
 - Continue with the domestic efforts to adopt the draft Law on the Protection of Persons from Enforced Disappearance in order to fulfil state obligations under the ICPPED;
 - Establish a central body responsible for accounting for all missing in Iraq, regardless of the circumstances of the disappearance, gender, age, ethnic or religious origin;
 - Create a Central Records of missing persons.