



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Observations received from Iraq in relation to the
Committee's report on its visit under article 33 of
the Convention***

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* The present document is being issued without formal editing.



With regard to the section concerning findings:

II. Context, trends observed, and actions taken by the State party

33. Overall, the Committee notes that Iraq has been confronted in its recent history with the practice of enforced disappearance and is fully aware of the numerous and serious challenges faced by the State party to address this situation. In this context and in view of the information gathered throughout the visit, the Committee reiterates its deep concern that the practice of enforced disappearance has been widespread in much of the territory of the State party over different periods, and that impunity and revictimization prevail. The Committee calls upon the State party to address this reality in all its dimensions and diversity, in full respect for the rights of the victims.

34. The dimension, scope and diversity of the patterns faced call for urgent and concerted intervention by the State party, but also by neighbouring countries and by the international community at large. The Committee reiterates its unwavering commitment to supporting any processes put in place to prevent and eradicate disappearances, including enforced disappearances, in Iraq.

We wish to state the following with regard to paragraph 33:

- It should be noted at the outset that article 35 (1) of the Convention stipulates that: “The Committee shall have competence solely in respect of enforced disappearances which commenced after the entry into force of this Convention.” Furthermore, article 35 (2) stipulates that a State party’s obligations vis-à-vis the Committee shall relate only to enforced disappearances which commenced after the entry into force of the Convention for the State concerned. Iraq acceded to the Convention pursuant to Act No. 17 of 2009. We wish to draw attention to the report ([CED/C/IRQ/1](#)) submitted by Iraq to the Committee on Enforced Disappearances on 25 July 2014, particularly paragraphs 4 to 28 of part II (A history of enforced disappearance in Iraq), which describes the cases of enforced disappearance and the crimes committed by the former regime, the laws subsequently enacted, and the procedures and measures taken to promote justice and redress for the victims.

A history of the crime of enforced disappearance in Iraq

- The Government of the Republic of Iraq is fully aware of the philosophy underlying the Convention and believes in the importance of ensuring its implementation at the national level. The accession by Iraq to the Convention by Act No. 17 of 2009 was motivated by its desire to build a State based on the rule of law and to prevent enforced disappearance, particularly in light of the country’s suffering from its impact and consequences.
- The crime of enforced disappearance was widely used by the dictatorial regime that governed Iraq from 1968 to 2003 and it claimed the lives of thousands of Iraqi citizens who were arrested on the ground of their political, ethnic or religious affiliations. They were never heard from again and the bodies of most of them have never been found.
- The reports of Mr. Max van der Stoep, Special Rapporteur on the situation of human rights in Iraq from 1991 to 1999, demonstrated the extent to which enforced disappearance was used:

(a) The Special Rapporteur drew attention to the widespread practice of enforced disappearance throughout Iraq in paragraphs 26–33 of the report contained in document [E/CN.4/1994/58](#), which was issued by the Commission on Human Rights of the Economic and Social Council on 25 February 1994;

(b) He confirmed the scale of the crime in Iraq in paragraph 27 of the report contained in document [E/CN.4/1995/56](#), which was issued by the Commission on Human Rights of the Economic and Social Council on 15 February 1995.

- Mr. Andreas Mavrommatis, Special Rapporteur on the situation of human rights in Iraq from 1999 to 2004, also confirmed in his annual reports that enforced disappearances were a widespread phenomenon (for instance in document [E/CN.4/2001/42](#) of 16 January 2001).
- These crimes are referred to and condemned in a number of resolutions adopted by the Commission on Human Rights and the United Nations General Assembly between 1991 and 2003, including General Assembly resolutions [A/RES/48/144](#) of 28 January 1994, [A/RES/49/203](#) of 13 March 1995, [A/RES/51/106](#) of 3 March 1997 and [A/RES/56/174](#) of 27 February 2002. These resolutions condemn grave human rights violations, including cases of “enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including arrest and detention of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law”.
- In the concluding observations issued following its consideration of the report submitted by Iraq under the International Covenant on Civil and Political Rights, the Human Rights Committee expressed grave concern with regard to the high incidence of disappearances in the country ([CCPR/C/79/Add. 84](#) of 19 November 1997).
- Over more than 20 years, the Working Group on Enforced or Involuntary Disappearances found that Iraq had one of the highest rates of enforced disappearances. Most of the 16,423 cases that were recorded occurred prior to 2003, although the Working Group’s sources reported other cases that allegedly occurred after 2003. The Iraqi Government established a Committee in 2012 to look into these cases and provide documentary evidence to the Working Group. The Committee, which includes representatives of a number of transitional justice organizations in Iraq and other specialized governmental institutions, found a large number of cases involving victims of the former dictatorship in Iraq and is currently compiling lists of cases for submission to the Working Group.

The Iraqi Supreme Criminal Tribunal

- The Iraqi Supreme Criminal Tribunal has jurisdiction over persons resident in Iraq who are charged with genocide, crimes against humanity or war crimes. The definition of these offences is largely similar to that contained in the Rome Statute of the International Criminal Court. The offences were not incorporated into Iraqi law, although Iraq is a party to the Geneva Conventions of 1949, to which it acceded in 1956, and to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, to which it acceded on 20 January 1959. As enforced disappearances were widespread in Iraq under the dictatorship, reflecting a systematic Government policy, and in view of the large number of victims, article 12 of the Iraqi Supreme Criminal Tribunal Act No. 10 of 2005, as amended, currently defines enforced disappearances as crimes against humanity. It reads as follows:

“1. For the purposes of this Act, ‘crimes against humanity’ means any of the following acts when knowingly committed as part of a widespread or systematic attack directed against any civilian population:

- (a) Wilful killing;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, or any other form of sexual violence of comparable gravity;

(h) Persecution of any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds recognized as impermissible under international law, in connection with any act of sexual violence of comparable gravity referred to above;

(i) Enforced disappearance of persons;

(j) Other inhumane acts of a similar character that intentionally cause great suffering or serious injury to the body or to a person's mental or physical health.

2. For the purpose of implementing the provisions set out in paragraph 1 of this article, the following expressions shall have the meanings ascribed to them below:

(a) 'Attack directed against any civilian population' means conduct involving the multiple commission of acts referred to in paragraph 1 of this article against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such an attack;

(b) 'Extermination' means the intentional infliction of living conditions, such as deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(c) 'Enslavement' means the exercise of any or all of the powers inherent in the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

(d) 'Deportation or forcible transfer of population' means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) 'Torture' means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person detained or under the control of the defendant, but it does not include pain or suffering arising from or related to lawful sanctions;

(f) 'Persecution' means the intentional and severe deprivation of fundamental rights in contravention of international law and based on the identity of the group or community;

(g) 'Enforced disappearance of persons' means the arrest, detention or abduction of persons by or with the authorization, support or acquiescence of the State or a political organization, followed by a refusal to acknowledge the deprivation of liberty or to provide information on the fate or whereabouts of the persons, with the intention of removing them from the protection of the law for a prolonged period of time."

- Various cases of enforced disappearance were referred to the Iraqi Supreme Criminal Tribunal which, considering them to be crimes against humanity, sentenced a number of people for committing such offences during the period of the dictatorship between 1968 and 2003.
- The Iraqi Supreme Criminal Tribunal conducted legal proceedings in 12 cases involving former senior officials of the dictatorship, who were charged with offences against the Iraqi people. It convicted perpetrators of enforced disappearance as a crime against humanity in five cases, pursuant to article 12 (1) (i) of the Iraqi Supreme Criminal Tribunal Act No. 10 of 2005. A summary of those cases is given below:

The case concerning crimes committed during the Anfal Campaign

- Thousands of Kurdish citizens, men, women and children, were subjected to enforced disappearance during the military operations of 1988, which became known as the

Anfal campaign. Following the military operations, they were held in army camps and detention centres where, according to documents and other evidence available to the Tribunal, enforced disappearances of persons as a crime against humanity took place. The Tribunal convicted members of the dictatorship of such crimes.

The case concerning the attack on the city of Halabja

- After chemical bombs were dropped on the city of Halabja on 16 March 1988, survivors of the crime fled to neighbouring countries. An amnesty for Kurds was issued on 6 September 1988, but residents of Halabja who subsequently returned were arrested by the army and other security forces of the regime and detained in camps (Kirdat Jal and Bar Hushtar) and at Al-Salman Prison in Muthanna Governorate in southern Iraq. Accordingly, the Tribunal convicted the persons who had perpetrated the crime of enforced disappearances in this case.

The case concerning the events of 1991

- The withdrawal of the Iraqi army from Kuwait in 1991 was followed by the Sha'ban Intifada, a popular uprising against the forces of the former Iraqi President and leadership and their repressive military and political hold on Iraq. Government forces used widespread repressive measures, including the detention of citizens from all sectors of society who participated in those events, which took place in the south of the country, particularly in Basrah and Maysan Governorates. Forces of the dictatorship committed numerous human rights violations during the uprising, including enforced disappearances. Some members of the regime were tried for those offences.

The case concerning secular parties

- When the dissolved Baath party came to power on 17 July 1968, it deliberately sought to suppress all other political parties, which it saw as a threat to its own hold on power. It therefore dissolved the existing secular political parties, chief among them the Communist Party, perpetrated the most heinous crimes against party members and violated their human rights, including through the practice of enforced disappearances. The Tribunal convicted a number of members of the dictatorship of such crimes.

The case concerning the dissolution of religious parties

- Under the dictatorship, the only party allowed to engage in political activities was the Baath Party, which has now been dissolved. Using various pretexts such as internal and external State security, the regime issued a number of decrees outlawing the formation or membership of political parties, including religious parties. Revolutionary Command Council Decree No. 461 of 31 March 1981 identified one religious party, the Islamic Dawa Party, as an enemy of the nation and its political activities as harmful to State security, and stipulated that membership of the party was punishable with the death penalty. Such measures were extended to all religious parties, and tens of thousands of political activists were killed and imprisoned. Enforced disappearance was one of the crimes perpetrated by the dictatorship as part of a systematic policy against members of such parties. It was established, on the basis of documentary evidence available to the Tribunal, that certain members of the former regime were responsible for that crime. The persons in question were tried in accordance with the Iraqi Supreme Criminal Tribunal Act.

Transitional justice organizations

- A number of transitional justice organizations have been established in order to lay the institutional foundations for democracy in Iraq and to tackle the legacy of serious human rights violations and crimes perpetrated by the dictatorship against the Iraqi people, including enforced disappearance. These organizations include the Martyrs Foundation, established pursuant to article 104 of the Constitution and Act No. 3 of 2006, and the Political Prisoners Foundation, established pursuant to article 132 of the

Constitution and Act No. 4 of 2006. A law has also been passed for the return of political exiles, namely Act No. 24 of 2005, as amended. These organizations and laws are designed to rehabilitate a considerable number of victims of the dictatorship and members of their families, to deliver justice to them, and to ensure that they receive material and moral reparations for the damages that they suffered as a result of those crimes, which include discrimination and the exclusion of their family members from public service and from education.

The Act on the Protection of Mass Graves in Iraq

- The Protection of Mass Graves Act (Act No. 5 of 2006) was enacted with a view to: facilitating the search for mass graves of victims of the former regime; returning the remains to their families with due respect consistent with the sacrifices they made; ensuring that the excavation of such sites is regulated by law and carried out with respect for human dignity; protecting the graves from desecration and random excavation or from being opened without official authorization from the former Ministry of Human Rights; identifying the victims who were buried there; preserving criminal evidence and submitting it to the judiciary to facilitate its task of proving the responsibility of perpetrators of the crimes of genocide, illegal burial, enforced disappearance and extrajudicial executions; and protecting the sites containing mass graves.
- Pursuant to paragraph 4 of Directive No. 1 of 2007, which was issued to facilitate the implementation of the Protection of Mass Graves Act, a committee was established in each governorate where a mass grave site was discovered. If the committee deems the site to be a mass grave, a commission chaired by a representative of the former Ministry of Human Rights is established pursuant to article 6 of the Protection of Mass Graves Act No. 5 of 2006. Its members include: a judge appointed by the president of the local appeal court; a representative of the Public Prosecution Service appointed by the Office of the Public Prosecutor; a police officer appointed by the Ministry of the Interior; a forensic physician appointed by the Ministry of Health; and a member of the municipal council appointed by the competent governor. The commission is responsible for opening graves, identifying remains, delivering the remains to the victims' families and issuing the decisions that enable it to accomplish the tasks assigned to it. Private claims are referred to the competent court so that the perpetrators of the crimes committed by the dictatorial regime can be prosecuted. A total of 76 mass graves, containing 3,073 bodies, had been located by 2012.

Action taken by the Kurdistan Regional Government on behalf of victims of the dictatorship

- A series of measures were adopted to facilitate the handling of cases involving victims of the former dictatorship in the Kurdistan Region. The measures included Act No. 9 of 2007 concerning the rights and privileges of martyrs and victims of the Anfal Campaign in the Kurdistan Region of Iraq, which was enacted with a view to improving the services available to the heirs of the persons concerned. The Ministry of Martyrs and Anfal Affairs was established pursuant to Act No. 8 of 2006 in order to provide assistance, compensation and services to families of the victims of the Anfal Campaign, political prisoners and martyred victims of the dictatorship. The former Ministry of Human Rights of the Kurdistan Regional Government cooperated with the Federal Government in undertaking search and excavation operations in the central and southern governorates in order to locate the remains of Kurdish victims of the Anfal Campaign in mass graves. Such action is ongoing under the auspices of the Ministry of Martyrs and Anfal Affairs in the Kurdistan Regional Government. Some 56 mass graves have been opened in Hamrin, Mahara, Tubzawa, Al-Hadr, Al-Haydariyah, Khalkan and the asphalt plant in Erbil in the governorates of Nineveh, Kirkuk, Najaf, Anbar, Erbil and Sulaymaniyah, and the remains of all victims have been returned to their families.
- With a view to offering educational services to the heirs and families of Anfal Campaign victims, the Kurdistan Regional Government has provided them with

higher-education opportunities under its capacity-building programme so that they can complete their studies abroad. It also provides study grants to the families of martyrs and Anfal Campaign victims who are studying in private universities.

Victims of terrorism in Iraq

- Acts perpetrated by American forces, in addition to other military errors and incidents, have caused harm to citizens and represent a humanitarian and legal challenge. In accordance with article 132 of the Constitution, the Iraqi Government promulgated Act No. 20 of 2009 to provide compensation to those who sustained damages as a result of military operations, military errors and acts of terrorism. The Act provided a degree of redress for the harm caused to citizens as a result of such events, including terrorist incidents and abduction by organized terrorist groups.
- Article 2 of Act No. 20 of 2009 stipulates that:

“Compensation shall be provided under this Act for the following damages:

 1. Deaths and disappearances caused by the operations specified in this Act;
 2. Total or partial disability confirmed by a report from a competent medical commission;
 3. Injuries and other conditions that require temporary treatment, according to a report from a competent medical commission;
 4. Damage to property;
 5. Interruption of employment or studies.”
- Article 19 of Act No. 20 of 2009 stipulates that: “This Act shall be applicable to acts committed from 20 March 2003”. In other words, it is applicable to all damages caused to citizens, as defined in the Act, from the beginning of military operations on 20 March 2003. This procedure constitutes an important source of redress for victims and their families for any damages that they suffered as a result of such acts, including abductions and enforced disappearances perpetrated by armed groups, terrorist gangs and criminal organizations.
- Victims of the former dictatorship have access to a number of mechanisms that offer compensation and redress for damages, with the assistance of various organizations that are described in the following paragraph. The Iraqi State uses the term “victim” in a broad sense to include direct victims, their immediate family and their relatives. It has assumed responsibility for such procedures, which include compensation, rehabilitation, development of a collective memory, holding perpetrators accountable and providing opportunities for employment, studies and training, as well as providing the compensation specified in the Code of Criminal Procedure.
- The wages of military and civilian victims of abduction continue to be paid until their remains are found or they are legally declared dead. Thereafter, families have the right to receive a pension under article 49 of the Military Service and Retirement Act for military personnel and under the former Revolutionary Command Council Decree No. 88 of 1987 for civilians.
- During the period from 1980 to 2010, a total of 16,423 cases of enforced disappearance occurred in Iraq. It should be noted that the aforementioned cases are those reported to and considered by the United Nations Working Group on Enforced or Involuntary Disappearances. The Working Group sent the list of missing persons to the Ministry of Justice in a communication dated 10 June 2022, to which a compact disc was attached, and it was sent to the Ministry of Foreign Affairs by communication No. 12/T/3/1106, dated 19 July 2022. It should also be noted in this connection that a committee chaired by the Ministry of Justice and composed of members of the competent authorities was established pursuant to Ministerial Order No. 2162 of 26 November 2019. Specific evidence of the fate of the victims is available for 1,854 cases. Search and investigation operations are still under way. The Ministry of

Justice supports the United Nations Committee on Enforced Disappearances' call for the provision to the Ministry's Human Rights Directorate of the support that it requires to expedite the completion of its tasks in coordination with the aforementioned authorities.

- A national campaign to collect information about persons who had been missing or forcibly disappeared since 1968 was launched on 15 February 2012 in all governorates except the Kurdistan Region. The National Centre for the Documentation of Baath Crimes (the Martyrs Foundation) participated in the campaign and it was coordinated with the Forensic Medicine Department of the Ministry of Health and the Mass Graves Protection Department of the former Ministry of Human Rights. The activities undertaken during the campaign included the preparation of a database form and the taking of blood samples from the relatives of the missing, which were deposited with the Forensic Medicine Department so that they could be compared with the bone samples taken from the remains of martyrs in the mass graves with a view to their identification. Statistical data based on 13,993 forms were sent to the Martyrs Foundation, and the Foundation's Mass Graves Protection Department continues to conduct research and excavations for mass graves and missing persons. The new mass grave sites found by the security forces and military units are managed in accordance with the amended Mass Graves Protection Act No. 13 of 2015.
- The National Centre for the Documentation of Baath Crimes (the Martyrs Foundation) established a committee that examined the names of 16,000 forcibly disappeared persons and determined the fate of 7,031 persons. Some of the results are presented below:
 - The deaths of 4,252 persons in the Kurdistan Region were confirmed.
 - The Martyrs Foundation confirmed the deaths of 1,071 persons.
 - The relatives of 45 persons completed the required procedures, but their requests were rejected because they remained unproven.
 - The processing of 38 files is ongoing.
 - The documents of 1,625 persons were found (quotation from a ruling) in the Foundation's Archives Department.
- In addition to the foregoing, we wish to state that the National Committee on Enforced Disappearances confirms that most of the unresolved files due to the unknown fate and whereabouts of the alleged victims date back to the period between 2014 and 2017, when terrorist gangs of the Islamic State in Iraq and the Levant (ISIL) controlled the governorates of Nineveh, Anbar and Salah al-Din. Most of the 574 cases of enforced disappearance reported to Iraq by the United Nations Committee on Enforced Disappearances occurred during that dark period. The conclusions drawn from the investigation of those cases are set out below:
 1. The results of the investigations by the judiciary and the law enforcement authorities indicated that 125 persons who were allegedly victims of enforced disappearance were actually members of ISIL terrorist gangs, including 30 persons against whom arrest warrants had been issued by the competent national criminal courts due to their participation in terrorist acts and their membership of the terrorist organization.
 2. The missing persons in 17 cases were from the Yazidi community and in 8 cases from the Turkmen community, although the General Directorate for Yazidi Female Survivors' Affairs claimed that the missing persons in 395 cases were from the Yazidi community.
 3. Following the termination of the military operations, the competent authorities discovered 16 mass graves containing the remains of 2,083 martyrs, including in the cemeteries of Speicher, Sinjar and Badush. Medical examinations by the staff of the Ministry of Health found 2,100 matching samples.

4. Large numbers of victims of abduction and human trafficking by ISIL terrorist gangs were transported to Turkey and Syria. These cases require greater international cooperation at all levels in order to conduct searches and investigations with the assistance of neighbouring countries.

5. The Supreme Judicial Council confirmed that large numbers of alleged victims of enforced disappearance were persons charged with terrorism and senior leaders of ISIL against whom arrest warrants had been issued, that some people had gone into hiding because they were wanted by the judiciary on various charges, including terrorism, and that some of them had fled abroad.

6. With regard to the 574 cases of enforced disappearance reported to the Ministry of Justice by the United Nations Committee on Enforced Disappearances, 28 cases have been closed. In addition, 13 of the 22 cases of enforced disappearance that occurred during the 2019 demonstrations have been closed.

- The Supreme Judicial Council declared that it had instructed all investigating courts in Iraq to refrain from implementing an arrest warrant that did not contain a person's full name or the data required by article 93 of Code of Criminal Procedure No. 23 of 1971, in order to avoid cases of arrest on suspicion and the material and moral damages suffered by persons who were arrested owing to the similarity of their names with wanted persons.
- With regard to the cases concerning demonstrators mentioned in the report, we wish to state the following:

1. The Ministry of Justice is the body responsible for detecting and monitoring cases concerning attacks against journalists, and for preparing reports and responding to appeals and communications sent by the United Nations Educational, Cultural and Scientific Organization (UNESCO) calling for legal action by the Committee to Protect Journalists in cases of abuse and attacks on journalists and media professionals.

2. At its session on 25 February 2021, the Supreme Judicial Council decided to appoint investigating judges and judges of courts of first instance to investigate all types of cases involving journalists.

3. With regard to the abduction of demonstrators and journalists, the Iraqi Government has established investigating teams that are tasked with locating the abducted persons, collecting information about the perpetrators of such crimes and referring them to the judiciary for prosecution. With regard to alleged cases of enforced disappearance of demonstrators, the National Committee on Enforced Disappearances in the Ministry of Justice has sought to coordinate effectively with law enforcement and judicial institutions to investigate their fate. It has also held many joint meetings, including a meeting attended by the head of the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI). The Committee has succeeded in clarifying the fate of the victims in many cases and has sent the information to the relevant United Nations Committee concerning 21 cases, 11 of which have been closed. The remainder continue to be investigated by the judiciary and the security agencies.

4. With regard to the protection of journalists, the Communications and Media Commission requested the Supreme Judicial Council to issue a decision authorizing the presidents of appeal courts to appoint 22 judges of courts of first instance to hear cases regarding journalists. The Communications and Media Commission has taken steps, in cooperation with the National Security Agency and UNESCO, to combat hate speech, to respond to telephone calls from journalists requesting protection and to facilitate their work.

5. The Communications and Media Commission issued a circular aimed at building bridges between the security agencies and journalists in order to facilitate journalists' work and access to information, and aimed at establishing a special press and media council composed of civil society organizations whose role would be to

inform the Government about the risks to which the community of journalists is exposed.

6. A total of 156 demonstrators against whom arrest warrants had been issued for abuse of the right to demonstrate had been released by 1 April 2023.

With regard to the comments in the report on the sale and trafficking of children, we wish to state the following:

1. According to the Supreme Judicial Council, this information is unsubstantiated, particularly that concerning the sale and trafficking of children placed in orphanages. Judges and public prosecutors in all appeal districts visited the orphanages in order to investigate their activities and verify the allegations. They concluded that the claims made by members of the Committee on Enforced Disappearances were unfounded.

2. The General Directorate for Yazidi Female Survivors' Affairs in the Ministry of Labour and Social Affairs stated that it had not recorded any case in which a child born as a result of a sexual assault was separated from his or her family.

With regard to cases involving prisoners, missing persons and war remains

- The Department of Prisoners, Missing Persons and War Remains of the Human Rights Directorate of the Ministry of Defence has conducted search and investigation activities into the remains of Iraqi and Iranian combatants in the 1980-1988 war and the remains of combatants in the 1991 war between Iraq and Kuwait. The working groups performed many tasks in all the governorates based on the agenda that was agreed upon in the meetings held by the technical subcommittees with the Kuwaiti and other parties (the Kingdom of Saudi Arabia, France, UNAMI and the United Kingdom of Great Britain and Northern Ireland). During 2019 and 2020, 59 cases concerning missing Kuwaitis were closed under the supervision of the International Committee of the Red Cross (ICRC). Their remains were found in the Samawa desert region of Muthanna Governorate and were handed over to the Kuwaiti party. The handover was officially recorded under the supervision of the ICRC.

We wish to state the following with regard to paragraph 34:

- Iraq welcomes all forms of cooperation with the Committee on Enforced Disappearances and relevant States. Diverse measures reflecting the cooperation procedures adopted by Iraq concerning the crimes of the ISIL terrorist regime are described below:
 1. The National Committee on Enforced Disappearances was established to resolve cases of enforced disappearance in Iraq, to monitor the implementation of the Iraqi Government's obligations under the International Convention for the Protection of All Persons from Enforced Disappearance, to supervise international reports on all cases brought to the attention of the Working Group on Enforced or Involuntary Disappearances and the United Nations Committee on Enforced Disappearances, and to ensure the unification of the database prepared by the bodies participating in the membership of the National Committee. The Committee may, through the Missing Persons Department of the Human Rights Directorate of the Ministry of Justice, request from the relevant authorities the information required to complete the database of the National Register of Victims of Enforced Disappearance.
 2. The Iraqi Government has investigated all allegations or reports of offences committed by the security forces in all regions of the country and has referred the perpetrators to the judiciary. Jurisdiction to hear cases concerning the conflict with ISIL terrorist gangs lies with the Iraqi judiciary, and the necessary investigations and collection of evidence are conducted with international and regional cooperation.
 3. Diwani Order No. 296 of 2019 provided for the creation of a working group to establish procedures for cooperation with the United Nations in order to meet

the requirements of Security Council resolution 2379 (2017) concerning the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD). Diwani Order No. 219 of 2020 entrusted the Ministry of Foreign Affairs with the presidency of the working group.

4. In addition, Iraq is cooperating effectively with UNITAD in investigating crimes committed by ISIL since 10 June 2014, and it has provided the necessary facilities for completion of the investigations and referral of the results to the judiciary, in accordance with Security Council resolution 2379 (2017).

5. Security Council resolution 2544 (2020) extended the mandate of the UNITAD Investigative Team until 18 September 2021, based on a request submitted by Iraq. The Security Council also adopted resolution 2597 (2021), which extended the mandate of the Special Adviser and the Team until 17 September 2022, at the request of Iraq.

B. Actions taken by the State party

42. **These actions are ongoing projects, the results of which cannot be assessed yet. Consequently, the Committee recommends that the State party pursue its efforts on all these initiatives, to ensure their full compliance with the Convention and other international human rights and humanitarian law standards and their effective implementation. The present report contains recommendations related to some of these actions, and the Committee invites the State party and all actors involved to take them into account.**

43. **The cooperation between State authorities, international human rights mechanisms and other international actors must be maintained and further developed, with trust and efficiency, and in full compliance with the Convention and other international human rights instruments.**

44. **The Committee recommends that the State party request international bodies and the international community to set up cooperation and coordination mechanisms for the projects undertaken to address disappearances. It is urgent that these projects be carried out in a more concerted manner to avoid overlapping and to bridge existing protection gaps.**

45. **Bearing in mind the continuous nature of enforced disappearance, the Committee also recommends that the State party implement its current obligations under the Convention with regard to all disappearances that have taken place in the country, including those that occurred between 1968 and 2003.**

With regard to the actions taken by the State party (paras. 42, 43, 44 and 45):

- With regard to cases of enforced disappearance that occurred between 1968 and 2003, we wish to draw attention to the opening paragraphs of this report.
- The National Human Rights Plan (2021-2025) adopts a similar approach to that adopted by Iraq in the implementation of previous human rights plans. The Ministry of Justice has taken steps to implement decisions relating to the National Plan by establishing a procedure based on cooperation and partnership with the competent ministerial bodies, relevant authorities, the High Commission for Human Rights and civil society organizations. The aim is to monitor, with competent sectoral authorities, the implementation of the State's international obligations and the recommendations issued in connection with its human rights reports.
- The Kurdistan Region incorporated concluding observations in its action plan concerning measures to combat torture and enforced disappearances in the Region, which required it to take the following action:
 - Elimination of the phenomenon of detention without charge;

- Establishment of a single prison surveillance body;
- Inclusion of enforced disappearance in local legislation as an independent offence, in accordance with the definition contained in article 2 of the Convention;
- Definition of enforced disappearance as a crime against humanity, in accordance with the norms enshrined in the International Convention.

With regard to the establishment of a comprehensive search and investigation strategy, we wish to state the following:

1. The Missing Persons Department in the Human Rights Directorate of the Ministry of Justice:

- The Missing Persons Department performs the following functions:
- It compiles data concerning crimes committed by terrorist groups in Iraq that constitute genocide, crimes against humanity and other international crimes that are recognized as flagrant human rights violations.
- It coordinates action with the judicial authorities to refer perpetrators of the terrorist crimes specified in section (a) to the courts.
- It has produced a national register of enforced disappearances since 2003.
- It investigates the fate of missing persons and forcibly abducted persons, in accordance with international norms.
- It produces a database containing the names of missing and forcibly disappeared persons and compares its content with information provided by the judicial authorities.

The Missing Persons Department takes the following action regarding cases of alleged disappearance:

- When communications and notifications are received from international and national bodies, the Department contacts the security agencies so that special teams of the Ministry of the Interior in police stations verify the validity of requests concerning enforced disappearances by visiting the missing person's area of residence and interviewing the family. The police station, under the supervision of the competent investigating judge, then prepares a detailed report on the validity of the reported incident and the procedures conducted by the security and judicial authorities.
- After receiving responses from the competent security agencies (the Ministry of Defence, the Ministry of the Interior, the National Security Agency, the Counter-Terrorism Agency, the Iraqi National Intelligence Service and other relevant bodies), as well as copies of the priorities of the investigation and the decisions handed down by the competent court, the Missing Persons Department of the Ministry of Justice studies the results of the investigation and the decision of the investigating judge with a view to preparing a legal response to the investigation, ensuring that situations of disappearance and unknown whereabouts are resolved, and notifies the Ministry of Foreign Affairs of the results.
- It unifies the database on the investigations conducted by the competent judicial authorities (the Supreme Judicial Council, the Public Prosecution Service and all competent courts), including sentences handed down, orders from the investigating judge concerning legal procedures governing the search for missing and forcibly disappeared persons, and official evidence and information from the judicial and security authorities regarding the presence of the missing person in the prisons and detention centres of the Department of Corrections of the Ministry of Justice. The Department's official database is then consulted to verify the fate of the missing or disappeared person.

- Should there be official evidence and information concerning the death of the missing person, the Missing Persons Department of the Ministry of Justice consults the official database of the Forensic Medicine Department of the Ministry of Health. It should be noted that the latter Department's official and legally approved procedure requires the relatives of the missing person to visit its headquarters so that a DNA test can be conducted.

2. **The Human Rights Directorate of the Ministry of the Interior:** The Human Rights Directorate of the Ministry of the Interior has a Department tasked with detecting the fate of missing persons. The Ministry has a database containing the names of persons deprived of their liberty. The families of missing persons visit the Department and fill out a form providing personal information on the missing person, following which a search is conducted in the database. If the search is unfruitful, the information contained in the form is circulated to other ministerial departments. These procedures are conducted quite smoothly and without the slightest difficulties or delays, and the families of missing persons can visit the Directorate to obtain information regarding the outcome of the search.

3. **The Human Rights Directorate of the Ministry of Defence:** On receiving any allegation of enforced disappearance by the military forces, the Human Rights Directorate of the Ministry of Defence presumes that the forcibly disappeared person is still alive and establishes a fact-finding committee headed by a representative of the Human Rights Directorate and with members from the General Directorate for Intelligence and Security and the Military Intelligence Directorate. The committee heads to the scene of the incident and records statements by the families of the victims and the accused. Any soldier who is proven to have committed an act that constitutes a violation of international and humanitarian law and norms is referred to the military courts and handed over to the civilian courts.

C. Current legal and institutional frameworks

46. **The lack of clarity about the scope and extent of enforced disappearances, and the complexity of the system, are at the core of the problems faced by the State party in addressing it effectively and efficiently. These create further doubts, which fuel suspicion and mistrust in State institutions.**

47. **The national legal framework does not provide for specific procedures for searching for disappeared persons and investigating alleged enforced disappearances. Rather, laws, policies and practices concerning disappeared persons categorize such persons excessively, according to group characteristics or the presumed circumstances of their disappearance, and these laws, policies and practices often lack consistency. Numerous government entities, such as the police, personal status courts, the Ministry of Health, the Martyrs' Foundation and the Iraqi High Commission for Human Rights, deal with the issue, each with a specific mandate. The accumulation of regulations and institutions has resulted in fragmented, overlapping and confusing legal and institutional frameworks.**

With regard to current legal and institutional frameworks (paras. 46 and 47):

- Articles 322, 324, 421, 422, 423, 424 and 425 of the amended Criminal Code No. 111 of 1969 define acts committed by civil servants or non-State entities (abduction, detention, arrest without a court order) that correspond to the definition of enforced disappearance.
- Article 92 of the Code of Criminal Procedure No. 23 of 1971 stipulates that: "No person may be arrested or detained except pursuant to a warrant issued by a judge or a court and in accordance with the conditions established by law." It should be noted that this article is consistent with the above-mentioned article 421 of the Criminal Code, which stipulates that: "Anyone who arrests, detains or deprives a person of his liberty in any way without an order from a competent authority and

under circumstances other than those established in the relevant laws and regulations shall be liable to imprisonment.”

- Iraqi law criminalizes acts that fall within the definition of enforced disappearance contained in article 2 of the Convention (arrest, detention, abduction or any other form of deprivation of liberty) and prescribes severe penalties for the perpetrators of such crimes as well as for instigators or accomplices.
- An agency attached to the Supreme Judicial Council specializes in investigating crimes of enforced disappearance. It has received training from international organizations and assistance from international crime experts.
- Section VII of the Criminal Code of the Internal Security Forces (No. 14 of 2008) concerning crimes of abuse of authority prescribes penalties for the highest-ranking commanding officer in the following cases:
 - If he requires a subordinate to perform functions or to provide a personal service that is unrelated to the person’s duties;
 - If the commanding officer requires a subordinate to commit a crime, he is deemed to be the perpetrator of the crime, regardless of whether it was attempted or perpetrated.
- In the event of the commission of a crime, the military personnel cannot invoke the principle of due obedience, since article 24 of the Military Criminal Code (No. 19 of 2007) stipulates that:
 - “I. If the order to perform a military duty constitutes a crime, criminal responsibility shall lie with the commander.
 - II. A subordinate is deemed to be an accomplice in the commission of a crime in the following cases:
 - 1. If he exceeds the limits of the order issued;
 - 2. If he knew that the objective of the order was to commit an act that constitutes a military or civil offence.”
- Article 52 (1) of the same Code stipulates that:
 - “(a) Anyone who utilizes his status, position or rank to order a subordinate to commit a crime shall be liable to imprisonment.
 - (b) The commander is deemed to be the perpetrator of the crime, regardless of whether it was attempted or perpetrated.”

III. Establish the basis for addressing enforced disappearance: an urgent priority

A. Clarify the notion of enforced disappearance

54. **The State party must urgently ensure a clear understanding and use of the concepts of “missing”, “disappearance” and “enforced disappearance” to identify the scope of each of the categories and to clarify the different forms of responsibility that the State party bears. All stakeholders must take on board the distinction between these notions in order to ensure use of the correct term, and to allow identification of the corresponding responsibilities of the State party and other actors, and the elaboration and implementation of appropriate and efficient strategies to prevent and eradicate enforced disappearances.**

With regard to clarification of the notion of enforced disappearance (para. 54):

- The Supreme Judicial Council has stated that the judicial authorities are aware of the terms and the difference between them. The Juvenile Welfare Act contains a clear definition of the terms “absent” and “missing” and it specifies the distinction between them and the procedure for reporting a missing person. With regard to the term “enforced disappearance”, Iraq has not yet enacted a specific law governing enforced disappearance, although it has ratified the International Convention for the Protection of All Persons from Enforced Disappearance, which is of course recognized as binding before the Iraqi courts. The courts adopt a special approach to cases falling within the scope of enforced disappearance and treat them as crimes of abduction and terrorism, depending on their components and circumstances. While a large number of cases have been addressed from this perspective, it should be noted that many registered cases cannot, on closer investigation, be classified as crimes of disappearance. For instance, some people have gone into hiding because they are wanted by the judiciary on multiple charges, including terrorism, or they have fled abroad. Responsibility for classification of a case, based on the relevant facts, as a crime of enforced disappearance or any other type of crime lies with the judiciary, since the judicial authorities are required to determine the nature and type of the crime committed following due diligence investigations and the issuance of a ruling by the competent court.

B. Revise the legal framework and criminalize enforced disappearance as an autonomous offence

59. **To set up the basis of a system to efficiently address disappearances, including enforced disappearances, the State party must revise and simplify its legal framework related to disappearances. To this end, it should avoid adopting ad hoc pieces of legislation to address specific cases, but should create a single legal framework to address all cases of disappearance, which would clarify the different notions, mandates and procedures.**

60. **In that connection and without further delay, the State party must determine the way it wishes to proceed to ensure the criminalization of enforced disappearance as an autonomous offence in its national legislation, in full compliance with the Convention. This process constitutes an obligation of the State party under the Convention and is a precondition for the effectiveness and efficiency of any future strategies and policies related to enforced disappearance.**

61. **Whatever the strategy selected (a specific law on enforced disappearance, a law on the “missing”, the inclusion of an autonomous crime of enforced disappearance in the Criminal Code, or a combination of parts of the above), the State party must ensure a clear and systematic distinction between the notions of “missing”, disappearance and enforced disappearance, in compliance with the Convention.**

62. **The State party must also ensure that the non-retroactivity principle does not stand in the way of prosecuting enforced disappearances. The future legal framework should include an article that asserts the continuing nature of the crime of enforced disappearance and specifies that the offence ends only when the location of the victim has been determined.**

With regard to the revision of the legal framework and the criminalization of enforced disappearance as an autonomous offence (paras. 59, 60, 61 and 62):

- The normative silence referred to by the United Nations Committee has not prevented the Government from taking action on such issues. A Committee was established pursuant to Diwani Order No. 45 of 2022 to investigate disputes and malicious claims

concerning detainees, abducted persons, missing persons and persons in pretrial detention in the liberated governorates and elsewhere. The Committee is chaired by the judge of the Central Investigating Court, and its members are representatives of competent authorities as well as any other members who are deemed to be capable of performing its duties. The Committee is tasked with compiling lists of the above-mentioned persons in order to determine their fate and resolve their cases, to receive and verify relevant complaints and to incorporate them into an appropriate database, and to submit quarterly reports to the Prime Minister. We also wish to draw attention to what was stated in the response to paragraphs 46 and 47 above.

- On 5 September 2020, the Iraqi Council of Representatives completed its first reading of the bill amending Supreme Criminal Tribunal Act No. 10 of 2005, which authorizes the Tribunal to try members of terrorist organizations, including for acts that constitute the international crimes of genocide and crimes against humanity.
- At the end of April 2021, the Council of Ministers of the Kurdistan Region adopted a bill aimed at establishing a special court to prosecute ISIL terrorists for the commission of international crimes, namely war crimes, crimes against humanity and genocide.

C. Clarify and strengthen the institutional framework and ensure systematic and effective coordination

73. **The Committee considers it a priority to clarify the institutional framework in charge of cases of disappearance in Iraq. To this end, the State party should concretize its project to establish a unique “Nationwide Disappeared Persons System”. This system should be in charge of all cases of disappearance, in accordance with the State party’s competence as set forth in article 9 of the Convention, regardless of the ethnic, religious or national background of the victims, the national origin of the alleged perpetrators, or the time, location and circumstances of the disappearances. The State party should establish specific strategies adapted to the circumstances of the cases, but within a common framework.**

74. **The State party should ensure that all the institutions that currently have some responsibility in relation to cases of disappearance and the future “Nationwide Disappeared Persons System” have the human and financial resources they need to carry out their work at the federal, regional and local levels. To this end, each institution involved should draw up a detailed periodic plan to identify the resources it needs to fulfil its duties efficiently. At the same time, the federal authorities, the regions and the governorates must allocate budgets that respond to the planning and priorities of the national and local entities.**

75. **Likewise, the State party should prioritize the training and hiring of specialized personnel, and the establishment of appropriate selection and vetting procedures for staff.**

76. **In addition, the search for disappeared persons and the criminal investigation of the persons responsible for their disappearance must be conceived of as mutually reinforcing. For this to be possible, the State party must urgently establish effective mechanisms of inter-institutional and inter-agency coordination and cooperation at the federal and local levels.**

77. **In that respect, all authorities involved in the processes of search and investigation must work together for the immediate establishment of a consolidated nationwide database of disappeared persons, including of persons who have been subjected to enforced disappearance. They must also set up a unified mechanism for reporting cases, with a common format that meets their respective needs.**

78. **The State party must ensure interaction and coordination of all national and international organizations, agencies, missions and mechanisms that intervene on issues related to disappearance. It should establish a forum for inter-institutional coordination that lays the groundwork for searches for, the locating of and the identification of**

disappeared persons, for the prevention and investigation of disappearances, for the punishment of perpetrators, and for the reparation provided to victims.

79. The State party must also promote the interaction and coordination of all national institutions that intervene on issues related to disappearance. To this end, it should: (a) establish intra-institutional and inter-institutional communication mechanisms and channels that allow information to be exchanged in a systematic, instantaneous and flexible manner, depending on the requirements of the case; (b) ensure that information is made available and managed effectively; and (c) ensure the involvement of all institutions with competence to search for, locate and identify disappeared persons, to prevent and investigate disappearances, to punish perpetrators, and to ensure reparation for victims.

80. Simultaneously, the State party should develop and implement methodologies and indicators to periodically assess the actual application of coordination mechanisms and the outcomes of searches for persons and investigations into disappearances, enabling the correction of any shortcomings.

81. The Committee recommends that the State party call upon international bodies and the international community in order to establish efficient interaction mechanisms to promote coordination between the projects undertaken to address disappearances. Such coordination should be urgently promoted in order to avoid duplication and contradictions, and to bridge protection gaps.

With regard to the clarification and strengthening of the institutional framework and action to ensure systematic and effective coordination (paras. 73, 74, 75, 76, 77, 78, 79, 80 and 81):

- We wish to draw attention to our response to section B above concerning actions taken by the State party (paragraphs 42, 43, 44 and 45), which refers to the action taken by national institutions tasked with investigating allegations concerning cases of enforced disappearance and missing persons received by the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence and the Kurdistan Regional Government, and the procedures for investigating allegations of enforced disappearance. The above-mentioned institutions perform their national duties and exercise the powers entrusted to them to resolve the allegations, in accordance with the provisions of the Iraqi Constitution and the legislation in force. The National Committee for the Resolution of Cases of Enforced Disappearance in Iraq is chaired by the Ministry of Justice and is composed of representatives of the Supreme Judicial Council, the Public Prosecution Service, the General Secretariat of the Council of Ministers, the Legal Department of the Government of the Kurdistan Region, the Office for the Coordination of International Recommendations of the Council of Ministers, the Ministry of Foreign Affairs, the Human Rights Department of the Ministry of Defence and its Legal Department, the Human Rights Directorate of the Ministry of the Interior, the Human Rights Directorate of the Ministry of Health, the Forensic Medicine Department, the Ministry of Migration and Displacement, the Ministry of Labour and Social Affairs, the General Directorate of Survivors' Affairs, the Iraqi National Intelligence Service, the Iraqi National Security Agency, the Office of the National Security Adviser, the Counter-Terrorism Agency, the Martyrs Foundation, the National Centre for the Documentation of Baath Crimes, the Legal Department of the Political Prisoners Foundation and other relevant bodies. The National Committee takes the necessary action to resolve cases of enforced disappearance in Iraq, and to implement the Iraqi Government's obligations under the International Convention for the Protection of All Persons from Enforced Disappearance, and it oversees the preparation of international reports concerning cases brought to the attention of the Working Group on Enforced or Involuntary Disappearances and the United Nations Committee on Enforced Disappearances. It also supervises the unification of the database on the subject and ensures that the aforementioned bodies closely coordinate their activities, carefully comply with the planned procedures and collaborate in investigating all allegations received.

D. Set up a consolidated and reliable nationwide register of disappearance

86. The non-existence of reliable data must be urgently addressed, as it prevents the defining of efficient strategies to promote searches for disappeared persons and to investigate their disappearance. The Committee therefore reiterates its recommendation that the State party establish a consolidated nationwide register of all cases of disappearance in Iraq since 1968. To this end, the information from the different sources must be compiled and systematized so that it can be incorporated into the register. Furthermore, the register should be systematically and promptly updated so that the authorities can generate reliable statistics.

87. The nationwide register should be accessible to all persons who have a legitimate interest, ensuring the protection of personal information and sensitive data. With a view to ensuring that all trends affecting specific parts of the population can be identified and taken into account as substantive elements in the process of search and investigation, the Committee reiterates its position that the register should include at least the following:

- (a) The total number and identity of all disappeared persons;
- (b) The sex, gender identity, sexual orientation, age, nationality and, if applicable, ethnic group or religious affiliation of the disappeared person;
- (c) The status of the search procedure and the investigation, including detailed information, where applicable, on exhumation and identification procedures and autopsy results;
- (d) The place, date and circumstances of the disappearance, including all elements relevant to determining whether the case is an enforced disappearance.

88. Once the nationwide register has been set up, the authorities responsible for searches, investigations and prosecutions, and for providing assistance and reparation to victims, should make use of all the information and documentation collected to carry out the activities necessary for them to fulfil their duties.

89. The seriousness of disappearances and their diverse and intense impact on victims and Iraqi society as a whole require urgent establishment of the basis necessary to prevent and eradicate them. To this end, the Committee urges the State party to address all of the observations and recommendations contained in the two parts of its visit report, including due diligence standards, a differentiated approach and a human rights-based approach as cross-cutting components.

With regard to the establishment of a consolidated and reliable nationwide register of disappearance (paragraphs 86, 87, 88 and 89):

- The Missing Persons Department of the Human Rights Directorate of the Ministry of Justice was commissioned by the General Secretariat of the Council of Ministers to serve as the competent authority responsible for setting up a consolidated register of forcibly disappeared persons. The Department has established a solid database on forcibly disappeared persons in Iraq, in compliance with its obligation under the International Convention and in close cooperation with the Human Rights Department of the Ministry of Foreign Affairs. The database contains all cases registered with the United Nations Committee. It is based on a form that was prepared for the specific purpose of exchanging information among competent authorities and which includes, inter alia, the person's name, gender, personal information, the time and place of the enforced disappearance, and the accused party. The Human Rights Directorate has taken steps in recent years to train specialized personnel under the supervision and with the support of the International Committee of the Red Cross. The members of the United Nations Committee on Enforced Disappearances have also helped to train the staff of the Human Rights Directorate through courses organized by the Ministry of Foreign Affairs. In addition, they participated in workshops organized by international and civil society organizations concerned with human rights and cases

of disappearance in particular. The competent authorities (the Supreme Judicial Council, the Ministry of Defence, the Ministry of the Interior and the Ministry of Health) and other stakeholders were subsequently provided with access to the database in order to facilitate direct communications between the Ministry of Justice and the bodies in question and to ensure coordinated investigations of the fate of forcibly disappeared persons in Iraq.

With regard to the section concerning recommendations:

Observations and recommendations (art. 33, para. 5)

I. Priorities to be addressed in the State party's strategy to prevent and eradicate enforced disappearance

A. Establish and implement the basis for effective searches and investigations

11. The State party must urgently establish a comprehensive search and investigation strategy for cases of disappearance to ensure that both recent and older cases are thoroughly and independently investigated, in application of the State party's competence as set forth in article 9 of the Convention, regardless of the ethnic, religious or national background of the disappeared persons, the national origin of the alleged perpetrators, or the time, location and circumstances of the disappearances.

12. This strategy should define a clear action plan and timeline, including the establishment of common legal and institutional frameworks to address disappearances, which would have specialized units to address specific circumstances in which disappearances occurred.

13. In this regard, the State party should establish specific public protocols that fully comply with human rights standards, and are inspired by national and international lessons learned and good practices. In respect of searches and investigations regarding acts committed by agents of other States, or with the authorization, support or acquiescence of other States, such protocols should include the promotion of cooperation and mutual assistance among the countries involved, to assist victims, to search for, locate and release disappeared persons, and in the event of death, to exhume and identify them and to return their remains.

14. The Committee recalls that the obligation to search for and locate a person is triggered as soon as the competent authorities become aware, by any means, or have indications, that a person has been subjected to enforced disappearance; the authorities must begin the search immediately and expeditiously, on their own initiative, even when no formal complaint has been made, or where doubts arise about the occurrence of the alleged disappearance. A lack of information from relatives or complainants cannot be invoked to justify a failure to immediately launch search and investigation activities.

15. Search and investigation protocols should include the principles contained in the Committee's Guiding Principles for the Search for Disappeared Persons, and should clearly specify that the processes cannot be limited to an administrative cross-check of databases and registers. The search and investigation protocols must be under the oversight of victims and all persons with a legitimate interest, and should be revised periodically to incorporate lessons learned and innovations. Any updates or revisions to the protocols should be reasoned and transparent.

16. The search and investigation strategy must encourage the use of context analysis considering all available information, to allow a full understanding of disappearances and identify effective methodologies, to determine where in the chain of command responsibilities lie and to develop effective approaches for the prosecution of cases at a system-wide level. To this end, the State party should create context analysis units and

appoint specialized prosecutors and investigating judges, and set up mechanisms for the systematic coordination of their work with all authorities involved.

17. The State party must: (a) ensure that the search and investigation strategy is periodically evaluated and that it complies with due diligence requirements at all stages of the process; (b) ensure the competence and independence of the professionals involved; (c) determine the actions to be taken in an integrated, efficient and coordinated manner; and (d) ensure that these actions are accompanied by the means and procedures needed to find the disappeared persons and investigate their disappearance.

18. The State party should promote the use of scientifically based evidence for the search and the investigation through specialized training and should ensure that the competent authorities have all the necessary equipment available to them.

19. In all cases, the State party should ensure that the competent authorities systematically investigate possible chains of command, indirect perpetrators, and other forms of perpetration and participation.

20. The Committee reiterates that the State party must give priority to efforts to find disappeared persons alive and secure their release, ensure that the search continues until the disappeared person has been located, and ensure that any investigation into their disappearance is pursued until the facts have been clarified and the perpetrators identified. The State party must guarantee the accountability of all the agents involved in the search and the investigation and must prevent, investigate and punish any failure to fulfil their duties in compliance with international standards.

21. The State party must strengthen the High Commission for Human Rights so that it can carry out its mandate effectively, including through the urgent appointment of its new board, in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It must also ensure adequate follow-up on complaints of disappearance lodged with the Commission, undertake effective investigations and prosecutions of perpetrators, and provide redress to victims.

22. State authorities must take urgent measures to ensure that the 2018 fact-finding committee finalizes its work, and that its conclusions and those of the 2016 committee are adequately addressed through the investigation and prosecution of identified disappearances.

With regard to the establishment and implementation of the basis for effective searches and investigations (paras, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22):

- The members of any official body that detains individuals or suspects for a lengthy period without pressing charges or that delays their referral to the investigating authorities are held accountable, in accordance with the provisions of the Criminal Code. It should also be noted that all prisons and detention centres are subject to regular and unannounced visits by public prosecutors in order to prevent any violation of the safeguards of accused persons, in particular their right to appear before the courts within the time limit prescribed by law.
- The Iraqi Criminal Code, the Code of Criminal Procedure and the Prisoners and Detainees Reform Act contain clear rules governing redress for crimes of torture and ill-treatment. Victims and their representatives are entitled to file complaints with the competent authority or to notify the regulatory authorities specified in the Prisoners and Detainees Reform Act No. 14 of 2018, the High Commission for Human Rights Act and the Public Prosecution Act. Complainants can request compensation in the same procedure or in an independent procedure.
- The Republic of Iraq has enacted laws that grant adversely affected citizens the right to redress, compensation and rehabilitation. The laws of transitional justice granted

appropriate compensation as well as moral concessions to persons who were adversely affected by the policies of the dictatorship. These measures remain effective for a specific period of time. The Republic of Iraq treats victims of war operations, military mistakes and terrorist operations in a manner that guarantees redress for the harm inflicted on all members of the Iraqi population, in accordance with Act No. 20 of 2009 concerning compensation for persons affected by military operations, military errors and terrorist activities, as amended. We wish to draw attention in this connection to the promulgation of Act No. 2 of 2020, which amends Act No. 20 of 2009 for the second time.

- The judiciary takes effective action to address issues of impunity and redress for victims in order to guarantee access to justice for all persons, including vulnerable groups, and takes the necessary steps to conduct confidential and comprehensive investigations into human rights violations and abuse. The judicial system is fully independent and impartial, and the Iraqi laws currently in force guarantee universal and unrestricted access to justice. The fact that the judiciary investigates all human rights violations and acts of abuse is deemed to be unique and presents a magnificent image of the Iraqi justice system and its exemplary rulings.
- We wish to remind you of the above-mentioned reference to normative silence regarding enforced disappearance and the establishment of a Committee pursuant to Diwani Order No. 45 of 2022 to investigate disputes and malicious claims concerning detainees, abducted persons, missing persons and persons in pretrial detention in the liberated governorates and elsewhere. The Committee is chaired by the judge of the Central Investigating Court, and its members are representatives of competent authorities as well as any other members who are deemed to be capable of performing its duties. The Committee is tasked with compiling lists of the above-mentioned persons in order to determine their fate and resolve their cases, to receive and verify relevant complaints and to incorporate them into an appropriate database, and to submit quarterly reports to the Prime Minister.
- The Human Rights Directorate of the Ministry of Defence monitors and prevents the commission of human rights violations by members of the Iraqi army by establishing fact-finding committees on any acts of torture, enforced disappearances and extrajudicial executions that may occur during military operations. It also provides hotlines for the receipt of complaints. In addition, the Directorate organizes awareness-raising and educational programmes in order to promote human rights principles in the Iraqi army, and it appoints legal officers who are tasked with monitoring and detecting any violations in military detachments and units.
- Directives have been issued to the Army Chief of Staff to instruct all army units to proceed as follows during military operations and operations aimed at liberation:
 - Commanders and officers must ensure that combatants comply with human rights norms during conflicts and treat civilians in a proper manner in operational areas, regardless of their religion, religious community or nationality.
 - Human rights officers assigned to military units and detachments must perform their duties in an integrated manner, report regularly to their commanders and raise combatants' awareness of international legal norms.
 - It is essential to preserve civilians' lives and to create safe passages that enable them to leave areas of combat, to comply with the rules of engagement, and to protect infrastructure and private and public property.
 - All persons and entities bearing international and humanitarian emblems, such as the Red Cross or the Red Crescent, and national and international humanitarian organizations must be respected and their tasks must be facilitated.
 - The use of illegal procedures to extract confessions (coercive interrogations) is strictly prohibited.

- Civilian detainees must be transferred to the competent authority within 24 hours, in accordance with Code of Criminal Procedure No. 23 of 1971, as amended, and arbitrary or random detention is prohibited.
- The Ministry of the Interior referred case files concerning a group of officers and other ranks to the Internal Security Forces Court for examination of charges of torture. The Court found against them and referred the files to the civilian courts for consideration.
 - All allegations of torture and ill-treatment have been investigated forthwith, and preventive and procedural measures have been taken to prevent all forms of torture, including continuous training and awareness-raising regarding the legal consequences for perpetrators. Inspection teams have been established to visit pretrial detention centres, and the administrative authorities have been provided with officially approved forms concerning the requisite medical examination of detainees prior to their placement in detention. In addition, hotlines have been opened for the receipt of complaints.
- The Counter-Terrorism Agency provides continuous training courses for all its members at the Agency's Academy, the Iraqi Judicial Institute and other bodies in order to develop their investigative skills and experience. Combatants attend field lectures on topics related to international humanitarian law and the protection of civilians, and human rights issues have been incorporated into the basic curricula of military colleges.
- Article 4 (1) and (2) of the Yazidi Female Survivors Act provides for material and moral compensation for survivors, action to guarantee a decent life, rehabilitation and care and their integration into society, and action to prevent any recurrence of the violations to which they were subjected. Article 5 (7) of the Act provides for the conduct of searches for abducted men, women and children, including Yazidis, Turkmen, Christians and Shabaks whose fate is still unknown, in coordination with the competent authorities within Iraq and abroad and the families of the victims. It also provides for legal proceedings to address their situation and the granting of benefits and compensation to the victims or their families, in accordance with the laws in force. In addition, article 10 (1) of the Act provides for the establishment of a committee to consider requests from survivors and groups covered by its provisions.
- With regard to compensation for victims, article 1 of the Code of Criminal Procedure provides for the institution of criminal proceedings against perpetrators on behalf of victims of criminal acts. Article 10 of the Code provides for compensation for victims of physical or moral damages.
- The High Commission for Human Rights organizes special training programmes for members and officers of the security forces of the Ministry of the Interior on police practices based on human rights principles and on humanitarian practices to be observed when performing security functions. It also organizes training courses and workshops for members of the armed forces, intelligences agencies and the National Intelligence Service on human rights issues and the treatment of civilians during periods of armed conflict.
 - A total of 42 training courses and workshops on human rights with 858 participants were held for law enforcement officials of the Iraqi Ministry of the Interior, in cooperation with international organizations, during the period from 2018 to 2021.
 - A total of 396 training courses and workshops on human rights with 12,570 participants were held for law enforcement officials of the Iraqi Ministry of the Interior in training centres in Baghdad and the governorates during the period from 2018 to 2021.
 - Eight training courses and workshops on human rights with 34 participants were held abroad for law enforcement officials of the Iraqi Ministry of the Interior during the period from 2018 to 2021.

With regard to the Kurdistan region:

- The judiciary in the Kurdistan Region has taken steps to appoint judges and lawyers with ample experience in legal proceedings and has organized special training courses.
- The British Consulate in Erbil launched a legal capacity-building programme in coordination with the Judicial Council and a training programme for lawyers in cooperation and coordination with the Kurdistan Bar Association. The programmes enhance awareness of basic human rights principles based on international norms, especially among newly appointed judges.
- Eleven judges from the Kurdistan Region have participated in training courses in cooperation with UNITAD. The first and second stages have been completed and it is hoped that the third stage will be held in the near future.
- UNITAD organized three-month in-person and virtual training courses on human rights, international humanitarian law, international criminal law and war crimes, in which 20 judges and investigators participated.

B. Eradicate impunity

30. **The Committee urges the State party to eradicate all structural causes of impunity. To this end, the State party must, inter alia: (a) ensure the immediate inclusion of enforced disappearance as an autonomous crime in national legislation; (b) review all aspects of its legislation that promote impunity, such as article 130 of the Criminal Procedure Code, amnesty laws, and the setting up of ad hoc frameworks; and (c) put an end to practices that hinder access to justice and perpetuate enforced disappearance, including by amending the legislation that conditions victims' access to their rights on the outcome of unreliable security screenings.**

31. **The State party must also set up an efficient system through which all institutions in charge of searches and of investigating, prosecuting and sanctioning disappearances are made accountable for the effectiveness and efficiency of their work. In that connection, the Committee reiterates that the Convention provides no exceptions to the State party's obligation to search for disappeared persons and to investigate their disappearance, irrespective of their profile or of any suspicions of involvement in terrorist activities.**

32. **It is also a matter of priority that all authorities recognize the different forms of responsibility of the State party in cases of disappearance and consider them when reviewing the related legal and institutional framework and practices.**

33. **The State party should establish a comprehensive protection programme for public officials engaged in searches and investigations. Particular account should be taken of the inherent risks in places under the control of illegal armed groups.**

34. **The State party should also immediately ensure that the members of the High Commission for Human Rights are able to carry out their professional duties independently and are protected from any intimidation, harassment, improper interference or reprisals.**

35. **The State party should ensure that the legal framework that it will adopt to criminalize enforced disappearance as an autonomous crime includes appropriate penalties. The Committee on Enforced Disappearances joins the Committee against Torture in inviting the State party to review, in the light of its international obligations, the application of the counter-terrorism legislation and other relevant laws that may entail the imposition of the death penalty. The State party should also strengthen legal safeguards and guarantees of due process in all phases of the proceedings and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

36. **As regards the investigation and prosecution of, and reparation for, enforced disappearances allegedly committed by agents of other States or by persons or groups of persons acting with the authorization, support or acquiescence of other States, the State party should promote, with their respective authorities, mutual assistance, in compliance with articles 14 and 15 of the Convention, including through the adoption of relevant mutual assistance treaties.**

With regard to the eradication of impunity (paras. 30, 31, 32, 33, 34, 35 and 36):

- Articles 322, 324, 421, 422, 423, 424 and 425 of the amended Criminal Code No. 111 of 1969 define acts committed by civil servants or non-State entities (abduction, detention, arrest without a court order) that correspond to the definition of enforced disappearance.
- Article 92 of the Code of Criminal Procedure No. 23 of 1971 stipulates that: “No person may be arrested or detained except pursuant to a warrant issued by a judge or a court and in accordance with the conditions established by law.” It should be noted that this article is consistent with the above-mentioned article 421 of the Criminal Code, which stipulates that: “Anyone who arrests, detains or deprives a person of his liberty in any way without an order from a competent authority and under circumstances other than those established in the relevant laws and regulations shall be liable to imprisonment.”
- Iraqi law criminalizes acts that fall within the definition of enforced disappearance contained in article 2 of the Convention (arrest, detention, abduction or any other form of deprivation of liberty) and prescribes severe penalties for the perpetrators of such crimes as well as instigators or accomplices.
- An agency attached to the Supreme Judicial Council specializes in investigating crimes of enforced disappearance. It has received training from international organizations and assistance from international crime experts.
- Section VII of the Criminal Code of the Internal Security Forces (No. 14 of 2008) concerning crimes of abuse of authority prescribes penalties for the highest-ranking commanding officer if he requires a subordinate to perform functions or to provide a personal service that is unrelated to the person’s duties, or if he requires him to commit a crime, in which case the commander is deemed to be the perpetrator, regardless of whether it was attempted or perpetrated.
- In the event of the commission of a crime, the military personnel cannot invoke the principle of due obedience, according to article 24 of the Military Criminal Code (No. 19 of 2007).
- A Committee was established pursuant to Diwani Order No. 45 of 2022 to investigate disputes and malicious claims concerning detainees, abducted persons, missing persons and persons in pretrial detention in the liberated governorates and elsewhere. The Committee is chaired by the judge of the Central Investigating Court, and its members are representatives of competent authorities as well as any other members who are deemed to be capable of performing its duties. The Committee is tasked with compiling lists of the above-mentioned persons in order to determine their fate and resolve their cases, to receive and verify relevant complaints and to incorporate them into an appropriate database, and to submit quarterly reports to the Prime Minister.
- The judiciary takes effective action to address issues of impunity and redress for victims in order to guarantee access to justice for all persons, including vulnerable groups, and takes the necessary steps to conduct confidential and comprehensive investigations into human rights violations and abuse. The judicial system is fully independent and impartial, and the Iraqi laws currently in force guarantee universal and unrestricted access to justice. The fact that the judiciary investigates all human rights violations and acts of abuse is deemed to be unique and presents a magnificent image of the Iraqi justice system and its exemplary rulings.

- With a view to enhancing legal performance in addressing international crimes, in accordance with Security Council resolution 2379 (2017), many workshops and training courses have been organized in order to develop judges' skills and ability to investigate such crimes, based on the principles of equality, accountability and non-discrimination.
- The professional enhancement programmes for judges and public prosecutors implemented by the Supreme Judicial Council include many training and guidance courses on matters pertaining to legislation and other procedures. A large number of judges have also received special training on the investigation and prosecution of human rights violations that constitute crimes, including of a sexual nature, and on the treatment of victims in accordance with the most recent international norms.

C. Strengthen and enlarge the national forensic capacity

44. **The Committee urges the State party to ensure that access to exhumation processes and forensic services is guaranteed to all victims of alleged disappearance and enforced disappearance, regardless of the ethnic, religious or national background of the disappeared persons, or the time, location and circumstances of the disappearances.**

45. **The State party should establish a national centre for human identification, with regional offices and units that specialize in cases of disappearance and enforced disappearance. It must ensure that the existing authorities and the national centre for human identification have the budget, organizational structure, equipment and independence necessary to fulfil their duties.**

46. **The institutions concerned must be provided with adequately trained staff and the equipment and technical resources they need, including digital registers containing detailed, up-to-date and protected information, and with specialized training on the use of scientifically based evidence, and be provided with the necessary infrastructure. The State party should also create effective and independent mechanisms to ensure that these institutions are held accountable for their actions.**

47. **These institutions should implement a multidisciplinary forensic identification system for cases of disappearance, the purpose of which is to analyse all available forensic information, with priority given to technical procedures that increase the probability of identification.**

48. **The institutions should also urgently adopt protocols for the different forensic disciplines, including a protocol on reporting the identification and dignified handover of the remains of disappeared persons, and a protocol on the transmittal of forensic evidence and its use by judicial authorities.**

49. **Priority should be given to systematizing intra- and inter-agency coordination mechanisms between the national and international institutions tasked with exhumations and with identification of bodies and remains.**

50. **The Committee underscores the urgent need for the State party to set up a national forensic databank, a national register of unidentified and unclaimed disappeared persons, and a national register of mass and clandestine graves. This databank should be interoperable with other existing genetic profile banks in other countries.**

51. **The State party should develop a nationwide campaign of DNA collection and registration. This campaign should give priority to the submission of reference sample profiles from the family members of all disappeared persons, so that they may be sought in existing systems by comparing the DNA reference samples from their families with the DNA profiles of unidentified human remains.**

52. **The State party should promote the establishment of agreements, mechanisms and practices with neighbouring countries to increase opportunities for the cross-referencing of genetic data, while ensuring full respect for the principles governing individual data protection in accordance with article 19 of the Convention.**

53. The State party should ensure that the national register for the identification of persons systematically contains fingerprints, photographs, and personal data from birth to death that are relevant for the purpose of identification. It should also establish an interoperable computer system accessible by the authorities so that the fingerprint comparison procedure can be carried out expeditiously in full compliance with international standards for the protection of personal data, including article 19 of the Convention.

54. The State party should ensure that all unidentified deceased persons are buried in individual graves and that detailed information on these persons is recorded in an operational database.

55. While ensuring the protection of sensitive data, the State party should periodically and publicly provide information about the activities carried out, and the challenges faced, including in terms of the number of mass graves located, exhumed, and still to be exhumed. Clear information in this regard is crucial to making the efforts visible, to identifying and addressing existing needs, and to promoting trust in the institutions concerned.

With regard to the strengthening and enlargement of the national forensic capacity (paras. 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55):

- Article 3 of the Mass Graves Affairs Act requires the Mass Graves Affairs and Protection Department to search, protect, investigate and excavate mass graves, in coordination with the competent authorities. Article 6 (5) of the Act requires the Institute of Forensic Medicine to conduct anatomical examinations of the remains, to take samples from them and from their relatives, to examine and match the genetic fingerprints, and to preserve the samples taken from the relatives and the exhumed remains and the blood swabs taken from the victims' relatives.
- Article 8 (1) of the Mass Graves Affairs Act requires the special technical teams that open mass graves to conduct inspections of the gravesites in order to identify the remains and to produce a detailed report on the characteristics of the mass graves, including video recordings and compact discs.
- The Forensic Medicine Department of the Ministry of Health is developing procedures for the conduct of DNA tests by the Department's DNA Test Division, which specializes in criminal investigations and in matching unidentified bodies with their possible relatives. The following statistics concern the period from the establishment of the DNA Test Division in 2008 until mid-May 2023:
 - (a) Number of cases: 7,667;
 - (b) Number of DNA tests: 38,190.
- The following figures concern examinations by the Statistics Section of the Paternity and Kinship Division during the period from the establishment of the Division in 2010 until mid-May 2023:
 - (a) Number of cases: 12,297;
 - (b) Number of completed forms: 57,669.
- The Department of Mass Graves, which is responsible for the opening of mass graves and for matching DNA samples with those taken from relatives of missing persons, received a total of 11,512 remains corresponding to:
 - (a) 7,285 remains from mass graves, of which:
 - 1. 4,482 were found in graves dating from the period prior to 2003;
 - 2. 2,803 were victims of terrorism and were found in 16 graves dating from the period prior to 2003, including those of Speicher, Sinjar and Badush;

(b) 4,227 remains were those of prisoners and missing persons resulting from the wars between Iraq and Iran and Iraq and Kuwait and they were found in 155 sites.

More than 2,100 remains found in mass graves have been identified to date thanks to DNA samples. Work is still under way to clarify the remaining cases.

Locations of mass graves opened in 2022, which date from the events that occurred on 14 June 2014

<i>Governorate</i>	<i>Number of sites</i>	<i>Sites opened</i>	<i>Number of graves</i>	<i>Year in which opened</i>	<i>Number of remains</i>
Nineveh	4	Sinjar Hardan	4	2022	57
		Badush	4	2022	105
		Sinjar Qani	6	2022	55
		Sinjar Adnania	6	2022	5
Anbar	1	Karma Shehabi	1	2022	6

Locations of mass graves opened in 2022 attributable to the former regime

<i>Governorate</i>	<i>Number of sites</i>	<i>Sites opened</i>	<i>Number of graves</i>	<i>Year in which opened</i>	<i>Number of remains</i>
Najaf	1	Huli Janubi 1	1	2022	34
Muthanna	1	Al-Afaif 2	1	2022	101

Number of mass gravesites discovered in 2022

<i>Governorate</i>	<i>Number of sites discovered</i>	<i>Year of discovery</i>	<i>Classification of the gravesite</i>
Nineveh	12	2022	Victims of terrorism after 2014
Salah al-Din	1	2022	Victims of terrorism after 2014
Anbar	7	2022	Victims of terrorism after 2014
Baghdad	1	2022	Former regime
Babil	1	2022	Former regime
Najaf	1	2022	Former regime
Dhi Qar	1	2022	Former regime
Al-Diwaniyah	1	2022	Former regime

D. Ensure that the administration of prisons and other places of deprivation of liberty fulfils its responsibility to prevent and eradicate enforced disappearances

- Fragmentation of the administration of prisons
- Urgency of there being a nationwide register of persons deprived of their liberty

67. The State party must immediately establish an independent task force in charge of cross-checking systematically the registers of all places of deprivation of liberty, regardless of the institution to which they belong, with the names of all detainees. The task force must ensure that all persons in places of detention are registered and that their relatives are duly informed of their whereabouts.

68. The State party must guarantee the civil character of the administration of prisons, and overturn its fragmentation. It must also establish without delay an interconnected central register of all places of deprivation of liberty that exist on the national territory.

69. **This register must include all deprivations of liberty, without exception, and contain, at a minimum, the information required under article 17 (3) of the Convention. The information must be filled out and updated promptly and accurately and be subject to periodic checks. It must be accessible without delay by the authorities in charge of searching for disappeared persons and investigating their disappearance, and by any person with a legitimate interest. In the event of irregularities, the State party must guarantee that the officers responsible are adequately sanctioned.**

70. **Simultaneously, the State party must establish adequate controls on the registration of persons deprived of their liberty in private institutions such as hospitals, psychiatric residences, day centres, and assistance and alternative care institutions for children and adolescents and for persons with disabilities. Periodic censuses of such institutions must be carried out to ensure the registration of persons resident there.**

With regard to the fragmentation of the administration of prisons and the urgency of there being a nationwide register of persons deprived of their liberty (paras. 67, 68, 69 and 70):

- Iraqi prisons are subject to the authority of the Iraqi Department of Corrections in the Ministry of Justice, which is a civil administration that operates in accordance with the Prisoners and Detainees Reform Act No. 14 of 2018. The Iraqi Department of Corrections is required to administer prisons in accordance with the legislation in force, human rights standards and international norms. The Department also has a special register of all persons detained in its prisons. Article 8 (4) of the above-mentioned Act stipulates that: “Bound, numbered, and classified records shall be maintained, and an electronic database shall be established in order to record the identity of prisoners, persons in pretrial detention or detainees, the reasons for their arrest or imprisonment, the date of their arrest, the authority that ordered it, the pertinent legal ruling, and the personal documents of inmates, detainees and their family members, provided that the information is maintained in the computer of the detention facility and the central computer of the Department of Corrections.”
- The Iraqi Department of Corrections permits visits to detainees so that they can communicate with their relatives. The visits are based on specific timetables and take the humanitarian situation into account. Article 26 of the Act stipulates that: “1. Inmates and pretrial detainees may receive visits from family members and others at least once a month, and a suitable and appropriate location is provided for family visits. Detainees may receive visits at least once a week if such visits are in their interest and have an impact on their rehabilitation and reform. 2. Inmates and pretrial detainees shall be granted an increase in the number of visits if their work or study is deemed to be excellent or their conduct is outstanding.”
- The Department of Corrections provides the necessary health and medical care for all detainees and guarantees appropriate access to such services by opening health-care centres, providing the necessary treatment and monitoring the conditions in detention facilities, in accordance with part V, articles 11 to 16, of the Act, which contain the following provisions:
 - A hospital, health-care centre or clinic shall be established, based on existing capacities, free medical treatment shall be provided and an appropriate number of physicians shall be appointed.
 - Detention facilities shall provide appropriate health conditions in terms of cleanliness, air conditioning, ventilation and lighting.
 - They shall provide healthy and sufficient food.
 - Inmates shall be permitted to spend at least one hour outdoors each day and to practise sport.
 - Appropriate rooms and bedrooms shall be allocated, depending on the number of inmates and the capacity of the detention facility.

- Sufficient washbasins and sanitary and ablution facilities shall be provided to meet the needs of inmates, as well as appropriate shower and hygienic materials.
 - Inmates shall be provided with clean and healthy clothing that is suitable for the climate.
 - Inmates shall have access to dental services.
 - Special needs of female prisoners and detainees shall be met, and the necessary care equipment, including in cases of childbirth, shall be provided.
 - Inmates and detainees shall undergo a medical examination on entering the detention facilities and shall be examined regularly by assigned physicians, who shall submit periodic reports to the administration.
- The competent committee in the Ministry of Justice based the system governing visits on the Standard Minimum Rules for the Treatment of Prisoners, and the system is applicable to all persons deprived of their liberty.
 - All prisons and detention centres are subject to regular and unannounced visits by public prosecutors in order to prevent any violation of the safeguards of accused persons, in particular their right to appear before the courts within the time limit prescribed by law.
 - A draft amendment to article 6 of the Prisoners and Detainees Reform Act No. 14 of 2018 was discussed in the State Council and sent to the General Secretariat of the Council of Ministers in order to complete the legislative procedures.
 - Draft instructions to facilitate the implementation of the Prisoners and Detainees Reform Act No. 14 of 2018 were submitted to the State Council. The text, which is still being discussed, includes draft instructions on monitoring and surveillance of the affairs of inmates and detainees, draft instructions on home leave for inmates and detainees, and draft instructions on the rights and duties of inmates, detainees and arrestees.
 - UNAMI has organized visits to centres run by the Iraqi Department of Corrections in order to assist the Ministry of Justice in implementing its human rights obligations. A total of 22 visits were conducted in 2019, 2020 and 2021. In addition, the ICRC organized eight visits to detention facilities in 2019 and 2020 with a view to supporting and cooperating with the Ministry of Justice.
 - The High Commission for Human Rights organized eight visits to adult male and female detention facilities and to Juvenile Reform Department centres in 2020 and 2021. Monitoring teams of the Human Rights Directorate have also organized regular visits to detention centres. They totalled 42 in 2020, 45 in 2021 and 10 in 2022 prior to the preparation of this report.
 - In the context of cooperation with civil society organizations, many courses, workshops, visits and dialogues have been organized with a view to providing support and training and raising the awareness of the staff of detention facilities in all governorates.
 - The Regional Government of the Kurdistan Region has organized visits to prisons and detention centres for international organizations, committees of the Parliament of the Kurdistan Region and the Independent Commission for Human Rights. The number of visits by human rights organizations totalled more than 85 in 2021. UNAMI had conducted more than 25 visits by May 2021, during which it held meetings with 60 detainees. In addition, two complaint boxes have been installed in all detention facilities, one of which belongs to the Ministry of Labour and Social Affairs and the other to the Independent Commission for Human Rights.

Contact with the outside world and immediate access to lawyers

74. In compliance with article 18 (1) of the Convention, the State party must ensure that any person with a legitimate interest is able to have prompt access, anywhere in its

territory, to the central register that is to be created, and to the registers of private institutions.

75. **The Committee reiterates that all persons deprived of liberty, including terrorism suspects, must have access to a lawyer from the outset of the deprivation of liberty. They must be able to communicate without delay with and be visited by their relatives, counsel, or any person of their choice, and in the case of foreigners, with their consular authorities.**

76. **The State party should systematically allow visits by the High Commission for Human Rights, non-governmental organizations and international monitoring bodies to all places of deprivation of liberty, whatever the ministry in charge. Openness to scrutiny is absolutely necessary to promote confidence in the system.**

With regard to contact with the outside world and immediate access to lawyers (paras. 74, 75 and 76):

- In accordance with the Prisoners and Detainees Reform Act No. 14 of 2018, the Iraqi Department of Corrections has a special register for all persons deprived of their liberty in its prisons. Article 8 (4) of the Act stipulates that: “Bound, numbered, and classified records shall be maintained, and an electronic database shall be established in order to record the identity of prisoners, persons in pretrial detention or detainees, the reasons for their arrest or imprisonment, the date of their arrest, the authority that ordered it, the pertinent legal ruling, and the personal documents of inmates, detainees and their family members, provided that the information is maintained in the computer of the detention facility and the central computer of the Department of Corrections.” The competent authorities can submit enquiries and request information, based on the law in force and their legal powers with respect to enquiries concerning persons detained in Iraqi prisons.
- The Iraqi Constitution and the legislation in force also guarantee the right of accused persons to appoint a lawyer to defend them before the competent courts and to participate in the proceedings until a final judgment is handed down.
- Article 45 of the Prisoners and Detainees Reform Act specifies the bodies that are authorized to conduct prison inspections, namely: the Council of Representatives; the Public Prosecution Service; the High Commission for Human Rights; the council of the governorate in which the prison or detention centre is located; and any other legally authorized body.
- Monitoring teams of the Human Rights Directorate, acting in response to instructions from the Minister of Justice, conduct regular field visits to detention facilities in order to inspect their compliance with human rights standards, and they submit regular reports to the Ministry in order to ensure that appropriate decisions are adopted.
- The Ministry of Justice attaches importance to cooperation with international bodies and organizations in order to promote compliance with human rights norms in detention facilities. As a result of such cooperation, international organizations such as the ICRC have been authorized by the Minister to visit prisons. Joint action has also been taken to build and enhance the capacities of the staff of correctional institutions.

Absolute prohibition of unlawful detention

79. **The State party must ensure: (a) that deprivation of liberty is carried out only by officials authorized by law to arrest and detain persons and in strict compliance with the law, always explaining the reasons for the detention and immediately providing the detained person with an arrest warrant; and (b) that persons deprived of their liberty are held solely in officially recognized and supervised places of deprivation of liberty.**

With regard to the absolute prohibition of unlawful detention (para. 79):

- It is not permissible under the Constitution and the Iraqi Criminal Code to arrest or restrict the liberty of any person without an arrest warrant issued by a competent judicial authority. Persons who fail to meet that requirement are punishable with detention or imprisonment pursuant to the provisions of article 421 of the Criminal Code, which stipulates that: “Anyone who seizes, detains or deprives a person of his or her liberty in any way without an order from a competent authority in circumstances other than those described in relevant laws and regulations shall be liable to imprisonment.” A penalty of imprisonment for up to 15 years is prescribed in the following cases:
 - If the offence is committed by a person unlawfully wearing the uniform or other distinctive official mark of a government employee, or who uses a false identity or produces a counterfeit warrant of arrest, detention or imprisonment claiming that it was issued by a competent authority;
 - If the act is accompanied by a death threat or a threat of physical or psychological torture.
- All accused persons, including those charged with acts of terrorism, are arrested pursuant to warrants issued by an investigating judge. When the investigation is completed, they are referred to the competent courts and examined in accordance with the laws in force so that a judgment can be handed down.
- Detention centres of the Ministry of Defence located at the headquarters of military detachments and units are authorized solely to execute disciplinary penalties imposed against military personnel. They may not house civilian detainees, and anyone who does so is legally accountable.
- Law enforcement authorities have been identified in the legislation in force and they are legally authorized to undertake arrests. No legal provision contradicts that norm.

Allegations related to secret places of detention

82. **The Committee reiterates that the State party should “carry out an urgent, independent and impartial investigation into all allegations of secret detention”. To this end, the State party should set up an impartial and independent commission to carry out a fact-finding mission, with the participation of national and international independent experts, in charge of verifying whether secret places of detention exist in the areas where they have been signalled, using all relevant technical means, such as satellite pictures and drones.**

83. **This commission should carry out its mission in consultation and coordination with all relevant stakeholders, in particular civil society organizations and victims, to ensure that existing allegations are duly taken into account. The mission should be followed by the release of a public report to shed light on the existence or non-existence of the alleged places of secret detention. Whenever such places are located or secret detentions are identified, the State party should establish a comprehensive list of all persons held and make it available to their relatives, and to the authorities in charge of the searches and investigations.**

With regard to allegations related to secret places of detention (paras. 83 and 84):

- The Iraqi Government has no secret detention centre. All detention centres are publicly declared and are subject to the authority of the Government and its competent agencies.
- The Human Rights Directorate of the Ministry of the Interior is not aware of any secret places of detention run by the Ministry. The surveillance and monitoring teams have

ensured that conditions of detention are appropriate, that detainees are not subjected to torture or ill-treatment, and that they can exercise their right to continuous communication with the outside world.

- All detention centres run by the Ministry of the Interior keep registers that are available to the Special Rapporteur on torture. Register No. 1 contains information concerning each detainee, which is continuously updated and is consulted by the teams of the Human Rights Directorate during their field surveillance and monitoring visits.
- According to the Ministry of Defence, it has just one pretrial detention centre, which is subject to international and national supervision. The Human Rights Directorate closed down all detention centres for civilian detainees and transferred persons whose cases had not been resolved to the pretrial detention centre at Muthanna Air Base. The centre's integrated investigating agency, which is supervised by a public prosecutor, ensures that accused persons can exercise their legal rights and have easy access to lawyers during the investigations. The centre operates exclusively as a detention facility for persons arrested pursuant to warrants issued by the competent courts. It should be noted that a number of security bodies, such as the Iraqi National Intelligence Service, the National Security Agency and the People's Mobilization Forces, as well as the Military Intelligence Directorate and the General Directorate for Intelligence and Security, can detain persons in the Central Prison. All convicted detainees are transferred to the Iraqi Department of Corrections except for those whose transfer proceedings have not yet been completed.
- There are three categories of prisons in the Kurdistan Region: detention and transfer centres; correctional facilities; and correctional facilities for women and juveniles. There are no secret prisons in the Kurdistan Region. Detentions are conducted in accordance with the law and are based on an official warrant. Prisons and detention centres in the region are open to international human rights organizations and to agencies that wish to visit them and inspect the detainees' living conditions.
- According to the Iraqi Department of Corrections, all detention centres run by the Ministry are subject to oversight and inspections by the Council of Representatives, the Public Prosecution Service, the High Commission for Human Rights, the council of the governorate in which the prison or detention centre is located; and any other legally authorized body. The Iraqi Department of Corrections and the Juvenile Reform Department are also committed to facilitating inspectors' access to detention facilities so that they can obtain the information that they require for the performance of their duties.
- Members of the inspection authorities mentioned in article 45 (1) of the Prisoners and Detainees Reform Act are entitled to enter a prison or detention centre on dates agreed upon with the Department of Corrections whenever such visits are requested by the inspection team. They are also entitled to inspect the health-care procedures, hygiene and living conditions in the prison or detention centre and to hold individual meetings with all inmates, detainees and arrestees. In addition, they may record personal information on inmates, detainees or arrestees and transmit messages from them to their families, and vice versa, in the presence of the official authorized to receive and accompany the inspection team.
- The following monitoring and inspection visits were conducted in 2022 by competent international and national authorities:
 - ICRC: 50 visits;
 - The Public Prosecution Service: 27 visits;
 - The High Commission for Human Rights: 23 visits;
 - The Human Rights Directorate: 21 visits.

II. Attend to the needs of the victims and fully respect their rights

Participation by victims and civil society organizations

93. In compliance with article 24 of the Convention, the State party must take legislative and judicial measures to ensure that any individual who has suffered harm as the direct result of a disappearance is officially considered as a victim and benefits from the rights contained in the Convention. The central role of victims in the search, investigation and reparation processes must be clearly stated in the applicable legislation.

94. The State party must establish in law a transparent and efficient process that directly provides relatives of disappeared persons with the information necessary to facilitate their effective participation at any phase of the search, investigation, prosecution and reparation if they so wish. Information campaigns in that regard should be further developed through the media, in schools and through public services.

95. Support from civil society organizations must be encouraged, not only “at the request of national authorities”, but whenever the victims wish. The role of civil society organizations in helping victims to access relevant information, in preparing the victims’ participation at any phase of the procedures, and in supporting them, must be officially acknowledged and strengthened.

96. The State party must refrain from criminalizing civil society activities – starting with full recognition and implementation of the right to freedom of opinion and expression.

97. In the same vein, the State party must: (a) prevent all acts of intimidation and reprisal against all victims, human rights defenders, lawyers, civil society organizations, and other individuals actively participating in the search and investigation process; (b) investigate all related allegations; and (c) punish identified perpetrators. Future legislation to introduce enforced disappearance as an autonomous crime must include provisions for these purposes.

98. Simultaneously, the State party must implement a protection programme for victims, human rights defenders, lawyers, civil society organizations and other individuals actively participating in the search and investigation process, with a concrete and realistic action plan, adequate human and financial resources, and mechanisms of international cooperation and mutual assistance.

99. The State party must ensure that persons suspected of having participated in alleged enforced disappearance do not participate in any phase of the search, investigation processes or related activities, such as the protection of relevant evidence. It must also guarantee that all allegations of extortion suffered by the victims of disappearance are duly investigated and punished and that all relevant information is taken into account in the search and investigation processes.

100. No one who has cooperated with the Committee or provided it with information may be subjected to intimidation or reprisals. States parties have a primary responsibility to prevent such acts from being committed against individuals and groups who seek to cooperate, cooperate or have cooperated with the Committee.

Reparation and support for victims

112. The Committee considers it to be a priority that the State party adopt a comprehensive strategy of access to reparation, including compensation and rehabilitation, that is accessible to all victims of disappearance, regardless of their ethnic, religious or national origin, and of the time, location and circumstances – and the perpetrator – of the disappearance. This strategy must guarantee a differential

approach that allows the reparation measures to be matched to the specific needs of the victims.

113. Such a differential approach must pay particular attention to the specific needs of women, children, older persons and persons with disabilities, and must take into account all personal characteristics of the victims that may be of relevance. In this regard, a specific strategy must be put in place to meet the educational needs of the victims, depending on their age and level of education, providing the authorities in charge with the necessary infrastructure, human and financial resources.

114. The State party should multiply memorialization efforts, such as the construction of memorials, the periodic holding of commemorative activities, and the inclusion of the issues of disappearance and enforced disappearance in mainstream education programmes. The daily sufferings of victims of past and present enforced disappearances must be widely acknowledged, at both the national and the international levels.

115. Measures must be taken to strengthen the confidence of the population in the institutions in charge of the reparation schemes – including through effective implementation of transparent accountability mechanisms, notably in cases of alleged corruption, mistreatment or inefficiency.

116. To this end, the State party must also clarify the entitlements of victims, including by developing a thorough, realistic and transparent analysis of the capacity of the system to provide access for all victims to the reparations they are entitled to, regardless of their ethnic, religious or national origin, and of the time, location and circumstances of the disappearance.

117. The submission of claims for reparation should be simplified, notably by enlarging the circumstances where additional flexibility is permitted when victims demonstrate difficulties in providing all the requested documentation. Such exceptions should be set out in a way that is clear to everyone, on the basis of transparent and broad public consultations.

118. The requirement for a death certificate must be definitively removed from all procedures until the fate of the disappeared person has been fully clarified. Instead, the State party must legally provide for the issuance of declarations of absence by reason of disappearance.

119. The State party must also ensure that psychological care and social support are systematically incorporated into all reparation schemes and relevant legislation, as a fundamental right of the victims, and provide the responsible authorities with the financial and specialized human resources necessary to properly carry out their duties.

With regard to the requirement to attend to the needs of the victims and to fully respect their rights, and the requirement of participation by victims and civil society organizations (paras. 93, 94, 95, 96, 97 98, 99 and 100) and with regard to reparation and support for victims (paras. 112, 113, 114, 115, 116, 117, 118 and 119):

- The Republic of Iraq has enacted laws that are designed to provide reparations and compensation to citizens who have suffered damages and to promote their rehabilitation. The Republic of Iraq has enacted laws that grant adversely affected citizens the right to redress, compensation and rehabilitation. The laws of transitional justice granted appropriate compensation as well as moral concessions to persons who were adversely affected by the policies of the dictatorship. These measures remain effective for a specific period of time. The Republic of Iraq treats victims of war operations, military mistakes and terrorist operations in a manner that guarantees redress for the harm inflicted on all members of the Iraqi population, in accordance with Act No. 20 of 2009 concerning compensation for persons affected by military operations, military errors and terrorist activities, as amended. We wish to draw

attention in this connection to the promulgation of Act No. 2 of 2020, which amends Act No. 20 of 2009 for the second time.

- Article 4 (1) and (2) of the Yazidi Female Survivors Act provides for material and moral compensation for survivors, action to guarantee a decent life, rehabilitation and care and their integration into society, and action to prevent any recurrence of the violations to which they were subjected. Article 5 (7) of the Act provides for the conduct of searches for abducted men, women and children, including Yazidis, Turkmens, Christians and Shabaks whose fate is still unknown, in coordination with the competent authorities within Iraq and abroad and the families of the victims. It also provides for legal proceedings to address their situation and the granting of benefits and compensation to the victims or their families, in accordance with the laws in force. In addition, article 10 (1) of the Act provides for the establishment of a committee to consider requests from survivors and groups covered by its provisions.
- With regard to compensation for victims, article 1 of the Code of Criminal Procedure provides for the institution of criminal proceedings against perpetrators on behalf of victims of criminal acts. Article 10 of the Code provides for compensation for victims of physical or moral damages. Article 3 of Act No. 20 of 2009 concerning compensation for persons affected by military operations, military errors and acts of terrorism provides for the establishment of a central committee affiliated to the Prime Minister to consider requests for compensation for damages sustained by victims of military operations and terrorist acts or their families.
- The judiciary takes effective action to address issues of impunity and redress for victims in order to guarantee access to justice for all persons, including vulnerable groups, and takes the necessary steps to conduct confidential and comprehensive investigations into human rights violations and abuse. The judicial system is fully independent and impartial, and the Iraqi laws currently in force guarantee universal and unrestricted access to justice. The fact that the judiciary investigates all human rights violations and acts of abuse is deemed to be unique and presents a magnificent image of the Iraqi justice system and its exemplary rulings.
- Psychological support centres have been established in seven governorates, and social researchers have been appointed by the Social Protection Commission to provide the requisite social services.
- Victims are sent to hospitals to receive treatment in the event of physical injuries or sexual assaults. The resulting medical reports are submitted together with the investigation documents to the investigating judge in order to ensure that perpetrators are summoned or arrested and to prevent impunity.
- The Yazidi Female Survivors Act No. 8 of 2021 was promulgated to provide support for survivors of sexual violence and to address the rights and needs of survivors of conflict-related sexual violence. The Act defines such acts as crimes of genocide and crimes against humanity. In addition, Act No. 28 of 2012 on Combating Trafficking in Persons addresses the issue of sexual exploitation.
 - Directives No. 4 of 2021, based on Council of Ministers Resolution No. 382 of 2021, were issued in accordance with article 12 of the Yazidi Female Survivors Act No. 8 of 2021 with a view to facilitating the implementation of the Act.
 - A bill containing the first amendment to the Yazidi Female Survivors Act No. 8 of 2021 has been submitted for consideration by the Council of Representatives by the committees of martyrs, victims, political prisoners, women, families, children and human rights.
 - The General Directorate of Survivors' Affairs in the Ministry of Labour and Social Affairs has established a missing persons database, which contains 395 notifications from Yazidis and eight notifications from Turkmens. It has also established a High Committee to implement search and investigation procedures, together with the competent security forces, for missing Yazidis, Turkmens, Christians and Shabaks.

- A website to receive requests for reparation was created in September 2022 and 1,670 requests have been received. In addition, 691 decisions have been adopted on behalf of the relevant communities, primarily for the payment of emoluments and other benefits in collaboration with the competent authorities.
- The General Directorate of Survivors' Affairs launched a referral system in collaboration with eight local and international civil society organizations operating in the area of psychosocial support. A total of 30 women survivors have benefited from the service and 293 official documents have been issued in coordination with the Ministry of the Interior. In addition, the Directorate reintegrated 13 survivors into the education system and preparations are under way for the reintegration of 27 additional survivors in the next academic year.
- A special electronic form has been produced for the registration of missing and abducted Yazidis, Christians, Shabaks and Turkmens and a special committee has been established to conduct relevant search and investigation procedures.
- The Directorate cooperates with the National Committee on International Humanitarian Law with a view to supporting the promulgation of an act on international criminal law and prosecuting terrorist members of ISIL.
- The Supreme Judicial Council has established a special court on publishing and media issues in the presidency of all federal appeal courts. The court is tasked with considering complaints from journalists concerning their journalistic work.
- The Supreme Judicial Council has established a Special Tribunal for Human Rights that receives complaints concerning human rights from any individual or organization. It also receives complaints from the High Commission for Human Rights, in accordance with article 5 of the Independent High Commission for Human Rights Act. If complainants have suffered damages or if their rights have been violated, the court takes appropriate action based on Iraqi legislation.
- The Iraqi Council of Representatives has completed its second reading of the bill on freedom of expression, freedom of assembly and the right to peaceful demonstration, which provides for the establishment of a mechanism to guarantee freedom of opinion and expression by all means, the right to freedom of assembly and peaceful demonstration, and the right to knowledge in a manner that does not undermine law and order or public morals.
- The Committee to Protect Journalists, which is chaired by the Ministry of Justice and is composed of representatives of relevant authorities, is tasked with monitoring all cases involving attacks on journalists and with preparing responses to appeals and communications sent by UNESCO concerning the institution of legal proceedings regarding abuse of journalists, the coordination of legal proceedings regarding such crimes and the adoption of protective measures on behalf of journalists, especially with a view to preventing reprisals.
- The Non-Governmental Organizations Act underscores the need to strengthen, support and develop the role of civil society organizations, to preserve their independence in accordance with the law, to guarantee citizens' freedom to establish and join non-governmental organizations (NGOs), and to ensure that NGOs seek to achieve their goals by peaceful and democratic means.

III. Raise awareness about enforced disappearances in Iraq and strengthen the national capacity to address them

124. **The establishment and strengthening of teams responsible for search, investigation, prosecution and reparation procedures, and for actions to prevent disappearances, require the immediate implementation of specialized in-service training programmes. These programmes should ensure that the teams take on board national and international standards, tools, procedures, case law and regulations related to disappearance and the fight against impunity. They should set goals and**

indicators and schedule periodic follow-up to measure their impact and the implementation of the content taught.

125. The institutions involved in searches and investigations, in prosecuting cases and in providing support and reparation to victims and preventing disappearances should draw up periodic, detailed and coordinated workplans with clear goals that ensure the implementation of the established tools, allow the workload to be processed in a strategic and effective manner, and are subject to follow-up and accountability mechanisms. The defining of these goals should take into consideration lessons learned and good practices identified at the national and international levels.

126. The Committee stresses the importance of including in university curricula the teaching and dissemination of, and research into, topics related to the disappearance of persons, from a multidisciplinary standpoint.

127. The State party should launch, as a matter of urgency, a broad national and international information and awareness-raising campaign about disappearances and enforced disappearances in Iraq. This campaign should widely disseminate clear and accessible messages about the mechanisms in place to address them, the results yielded and challenges encountered, and should counter the stigmatization and lack of support faced daily by victims. It should reach all sectors of the Iraqi population, including in schools and through the mainstream media, and the international community at large.

128. In line with articles 14 and 15 of the Convention, Iraq and other States parties should join efforts to strengthen their national capacities to address enforced disappearance, through the establishment of a sustainable community of experts involved in the investigation, prosecution and prevention of disappearances, and in providing support and reparation to victims. Such a platform should promote information-sharing on good practices and provide replies to States' consultations on related legislative, procedural, technical and strategic issues.

With regard to action to raise awareness about enforced disappearances in Iraq and to strengthen the national capacity to address them (paras. 124, 125, 126, 127 and 128):

- The Human Rights Directorate of the Ministry of Justice has taken steps in recent years to provide special training for personnel on enforced disappearance. The training was supervised by ICRC, which also offered its own training courses. Members of the United Nations Committee on Enforced Disappearances also contributed to the training of personnel through training courses organized by the Ministry of Foreign Affairs, and participated in workshops organized by international and civil society organizations operating in the area of human rights, including on cases of enforced disappearance.
- The Ministry of Defence has implemented the following measures aimed at promoting respect for international humanitarian law and human rights:
 - It established a committee of experts on international humanitarian law tasked with monitoring the implementation of international humanitarian law within the military establishment and with the submission of periodic reports on the results of its activities.
 - Courses on human rights and international humanitarian law were incorporated into the Iraqi army training programme for 2022/23 and were attended by between 15 and 50 members of each military unit.
 - The Ministry of Defence delivered 18 lectures on the provisions of international humanitarian law and on human rights principles on behalf of 350 members of its personnel (officers, non-commissioned officers and employees).
 - It delivered 21 lectures to members of active and non-active military units and to members of units of the General Headquarters.

- Steps are being taken to convene a national conference on “The role of the Ministry of Defence in implementing the provisions of international humanitarian law: lessons and instructive examples.”
- A Code of Conduct for soldiers at times of peace and war was prepared in cooperation with the mission of the North Atlantic Treaty Organization (NATO). A total of 9,621 Codes were distributed to Iraqi army units. Legal advisers are currently being trained and steps are being taken to distribute the largest possible number of Codes.
- Lectures are being delivered on human rights and the provisions of international humanitarian law.
- A manual on international humanitarian law (a guidebook for security and military institutions) has been circulated among units and forms part of the basic curriculum of the educational institutions of the Ministry of Defence.
- The Human Rights Directorate of the Ministry of Defence prepares training programmes based on international norms governing the protection of detainees and prisoners. The administrative staff of detention centres receive training on how to treat detainees.
- Eleven workshops and courses have been held on minority rights and their protection.
- Eleven courses and 10 workshops have been held on crises and disasters, and 11 conferences have been held on procedures for addressing threats to human security.
- Many workshops and courses have been held for members of the Pretrial Detention Centre, under the supervision of the Human Rights Directorate of the Ministry of Defence, on the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment. In addition, workshops have been held in cooperation with the Sawa Organization on monitoring of prisons in accordance with international norms.
- The Human Rights Division of the Iraqi National Intelligence Service regularly organizes human rights awareness-raising activities on behalf of the staff of the Service.
- During 2022, the Martyrs Foundation organized five basic human rights courses, two advanced human rights courses, and one course on women’s rights. It also organized exhibitions and events on terrorism and its impact on society and 102 courses aimed at developing the professional skills of the Foundation’s personnel.
- The Department on Studies of Violent Extremism Conducive to Terrorism of Al-Nahrain Centre for Strategic Studies organized five workshops on education, employment, gender and women’s capacity-building in the National Security Agency as well as a workshop on the protection of civilians in conflict zones.
- The General Directorate of Survivors’ Affairs in the Ministry of Labour and Social Affairs published, with the support of IOM, many posters and brochures in three languages on the instructions, rights and prerogatives contained in the Survivors Act and the procedure for the submission of requests.
- The staff of the General Directorate of Survivors’ Affairs and members of the Committee to Consider Survivors’ Requests established pursuant to article 10 of the Yazidi Female Survivors Act received intensive training to build their capacity to support victims of sexual violence in accordance with international norms. In addition, the Directorate, in coordination with international and local organizations, organized many workshops and training courses for male and female survivors with a view to supporting and empowering them and involving them in the development of special programmes for implementation by the Directorate to meet their specific needs.