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Joint Submission on Iraq

to the UN Universal Periodic Review

48th Session of the UPR Working Group

Victims' Voices: Impunity, torture and ill-treatment, sexual and gender-based violence, human rights defenders, freedom of assembly, association and expression, forced displacement, transitional justice, enforced disappearances, right to fair trial and other violations

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1. Introduction

1.1. This report is submitted by the International Service for Human Rights (ISHR) and the Gulf Centre for Human Rights (GCHR) on behalf of a group of non-governmental organisations (NGOs) working in the field of human rights in Iraq, who wish to remain anonymous due to the risk of reprisals, following threats made by the Government of Iraq indicating judicial action against NGOs who submit information to the UPR process which the government deems as "tarnishing the image of Iraq."

1.2. The Gulf Centre for Human Rights (GCHR) is an independent, non-profit CSO founded in April 2011. GCHR provides support and protection to human rights defenders (HRDs) in the MENA region to promote human rights, including the rights to freedom of association, peaceful assembly and expression.

1.3. The International Service for Human Rights (ISHR) is an independent, non-profit organisation promoting and protecting human rights, whose mission is to support human rights defenders, strengthen human rights systems, as well as lead and participate in coalitions for human rights change.

1.4. The report uniquely focuses on the methodology of *the centrality of the rights of victims in Iraq* to demonstrate the suffering and human rights violations that took place during the period 2019-2023.

1.5. The report addresses sensitive topics for victims (enforced disappearance, torture and ill-treatment, impunity, terrorist operations, fair trials, freedom of expression) in addition to human rights defenders, and sheds light on women, children, and minority victims. The report presents information that indicates a significant decline in the commitment of the Iraqi authorities to respect, promote and protect the rights of victims, in fulfilment of their international obligations towards the recommendations made at the third UPR cycle of the Human Rights Council. This is in terms of the lack of legislation that guarantees reparations and compensation, the weakness of implementation procedures for accountability of perpetrators, a failure to reform institutions and ensure non-recurrence, and the lack of a government policy to memorialise the victims and guarantee the right to litigation and remedy.

1.6. The report presents a set of smart recommendations, advocating for their full acceptance by the Iraqi government during the review.

2. Impunity

2.1. Impunity contributed to an increase in crimes committed collectively and individually, generating psychological and physical damage and economic and social instability for the victims and their families.

2.2. The lack of remedy and weak mechanisms for implementing procedures, prosecutions, and judicial accountability for those involved in the crimes exacerbated the sense of insecurity and lack of protection for the victims and their families.

2.3. Most of the perpetrators involved in the killing and disappearing of demonstrators, journalists, activists, and some residents of post-conflict areas still enjoy legal immunity, enabling them to escape punishment. Some hold government and security positions, which is one of the main reasons victims and their families do not file complaints.

2.4. NGOs observed deliberate delays in investigation procedures and trials in cases of the liquidation of defenders, journalists, and influential activists. For instance, the trial of the perpetrator of the assassination of journalist **Hisham Al-Hashemi** was postponed 10 times, which is uncommon in criminal trials. On 07 May 2023, the Iraqi judiciary issued the death penalty against his killer.

2.5. The absence of state authority and the control of armed groups in post-conflict areas have contributed to the cover-up of many crimes of murder and disappearance. One such incident occurred at Balad Station in Salah Al-Din Governorate on 17 October 2020, where 14 people disappeared and six were killed, with the fate of four remaining unknown. There has been a lack of remedial measures for the victims and their families and accountability for the perpetrators, despite promises made by the former Prime Minister to provide justice to the victims and reveal their fate and the identity of the perpetrators.

2.6. Many similar cases occurred in Saqlawiya (2016)[1] and Owaisat (2014) in Anbar Governorate, Jurf Al-Sakhar in Babil (2014), Al-Dur in Salah Al-Din, and Nahr Al-Imam in Diyala (2022).

2.7. Perpetrators involved in ordering the killing of protesters have escaped punishment as years of government investigations have yielded no results. Many of the victims and their families are exiled, threatened with death, and under great psychological and economic pressure.

2.8. Security leaders committed massacres against protesters in 2019 in the Governorates of Najaf, Baghdad, Dhi Qar, and Basra. They have not been convicted so far, even though the number of victims exceeded hundreds of civilians, such as in the Zaitoun Bridge incident in Nasiriyah, which resulted in 96 dead and 2,265 wounded,[2] the Sinak Bridge incident, which claimed the lives of 23 and wounded more than 100,[3] and the Najaf Massacre, which led to the killing of 11 and the injuring of more than 140[4].

2.9. Penalties for perpetrators of murders against women committed by their families on the grounds of honor crimes are reduced according to Article 409, where the sentence does not exceed six months, while the sentence for criminal murders ranges from life imprisonment to the death penalty.

3. Torture

3.1. Security institutions adopt torture and ill-treatment as a routine practice for dealing with the accused. Despite the Prime Minister's invitation to victims and their families to submit complaints via e-mail, this procedure is merely formal and not legally valid, contradicting the established mechanisms for registering complaints under the law[5].

3.2. Victims face severe psychological pressure, and some suffer physical disabilities as a result of various forms of torture and ill-treatment. These methods include haircutting, using cold water in winter and hot water in summer, severe beatings, electric shocks, stress positions, blackmailing detainees and sexual bargaining, pulling out nails, and burning. Psychological torture methods include cussing, swearing, and violating the honor or privacy of the detainee. Some groups are subjected to discriminatory torture based on sectarian, ethnic, and political grounds.

[1] Amnesty International
[2] https://al-ain.com/article/third-anniversary-demonstrations-massacre
[3] https://www.alaraby.co.uk/politics/
[4] https://www.alaraby.co.uk/
[5] https://www.alaraby.co.uk

3.3. Fifty detainees died in the prisons of the capital, Baghdad, due to torture and medical negligence inside detention centres, and 39 detainees died in Nasiriyah Central Prison during 2022[6].
3.4. Victims of torture face direct threats of killing by law enforcement agencies. NGOs documented cases of death threats against five demonstrators after they were subjected to severe torture for participating in the October protests started in 2019.
3.5. NGOs found that the majority of victims who were arrested contracted scabies, tuberculosis, and other diseases due to their stay in overcrowded detention centres that did not comply with international standards of detention[7].
3.6. All victims of torture are unable to obtain the right to defend themselves and seek redress due to the lack of clear reporting and complaint procedures that guarantee the safety of the victim and the confidentiality of the complaint. Additionally, there is no specialised national law addressing crimes of torture and ill-treatment.
3.7. Some victims are prevented from receiving personal items (such as underwear and medicines) because they are not allowed regular communication with their families, either in person or by phone. This forces them to buy personal items at high prices from inside the detention centres.
3.8. Detained women are subjected to repeated virginity examinations, which is a form of sexual and gender-based violence (SGBV) against female victims. These examinations occur whenever a transfer is made from the place of detention to the interrogation centre and vice versa, affecting the victim's psychological and sexual health. This practice is a humiliation of human dignity, and it is worth noting that most of these examinations are conducted by male doctors.
3.9. There are no female investigators in interrogation and detention centres, and investigations are carried out by male investigators.

4. Human Rights Defenders

4.1. Seventy-seven human rights defenders were forcibly exiled to Turkey alone since the start of the October popular protests in 2019, while others are exiled in the Kurdistan Region for fear of reprisals, having been subjected to assassination attempts and death threats
4.2. Coinciding with the "October 2019 protests", NGOs documented 64 cases of kidnapping and assassination of human rights defenders during 2019 alone. The targeting became organised and systematic, using methods such as defamation campaigns and influencing public opinion against defenders, aiming to incite their targeting for arrest, assassination, or disappearance.
4.3. Victims suffer from the arbitrary use of the law against them. Some were arrested without warrants, while others received arrest warrants according to flexible legal articles within the Iraqi Penal Code No. 111 of 1969 (Articles 372, 399, 400, 401, 402, 403, 404, 433, and 229). Many cases remain open to restrict their activities, prevent them from continuing their work, and threaten to activate these cases later against them. Some were forced to sign pledges in security institutions to stop their human rights activities.
4.4. During arrest or kidnapping, victims are subjected to torture and ill-treatment to extract false confessions and use them against them in court. NGOs documented that violators filmed some victims naked to blackmail and influence them.

[6] https://www.basnews.com/ar/babat/848141
[7] chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_Report_Administration_of_Justice_EN.pdf

4.5. Defenders working in state departments who adopt positions and issues in support of human rights suffer from strict monitoring and administrative penalties to influence their positions.

4.6. Some government officials have employed influential people through social media to attack human rights defenders who oppose the policies and practices of the authorities, accusing them of collaboration to discredit and tarnish their reputation.

4.7. The space for human rights organisations has been narrowed over the past four years through governmental decisions that restrict their work, violating the independence of these organisations and the Organisations Labor Law No. 12 of 2010. For instance, a security force raided the building of the Al-Firdaws Organisation for Peacebuilding in Basra in 2022 during a workshop on digital security, preventing them from completing the training and holding similar future activities under the pretext of national security. In the Governorates of Maysan, Anbar, Kirkuk, and Nasiriyah, administrative instructions were issued that prevent any activities of civil society organisations without coordination with the governor's office. The Prime Minister's Office issued strict instructions, placing civil society organisations that support and participate in protests under surveillance, under the pretext of limiting the banned Ba'ath Party's ability to engage in political action, although they are independent NGOs that are working purely to promote human rights.

4.8. Women human rights defenders suffer from multiple levels of fear and threats of defamation campaigns launched by armed groups, which adopted a new method of SGBV: filming them in sexualised videos after they were kidnapped and posting them on social media. These were indirect messages to other women human rights defenders, such as **Maria Mohammed** in 2019, in addition to the assassination of feminist activist **Riham Yaqoub** in 2020 by an unknown entity, after electronic platforms linked to non-State armed groups launched a campaign accusing her of working for a foreign entity.

4.9. Woman human rights defender **Fatima Al-Bahadli**, who won the Front Line Defenders Award in 2020, was persecuted by non-State armed groups that demanded she stop her human rights activities. Later, two of her sons were assassinated in separate incidents,[8] and the government did not announce the results of the investigation.

4.10. In 2020, feminist activist **Lodya Remon Albarti** from Basra Governorate was subjected to serious death threats, followed by an assassination attempt along with one of her colleagues. She was seriously injured, and the perpetrators have not been revealed yet.[9]

4.11. Some women defenders lost their job opportunities due to smear campaigns and threats, which in some cases also led to family breakups.

5. October victims

5.1. Baghdad and several other Governorates witnessed million-strong popular protests in October 2019, calling for an end to corruption, and the provision of job opportunities and basic services. These protests were accompanied by widespread repression and systematic gross violations of protesters by some government security agencies and armed groups.

5.2. NGO monitors documented the deliberate use of excessive force by government forces, resulting in nearly 800 protesters being killed and more than 20,000 injured.

[8] https://www.nrttv.com/ar/detail3/484
[9] https://daraj.media/العراق-سيل-الاغتيالات-لا-ينقطع-والقات/

Yet the Iraqi government announced that only 560 were killed[10] from the start of protests until March 2020.

5.3. Government forces extensively used live ammunition (light and medium), offensive military tear gas canisters, some expired, and hunting rifles to break up the protests. Some protesters were killed by sniper fire.

5.4. Many actors in the protests were subjected to assassination campaigns (such as **Ihab Jawad Al-Wazni,**[11] **Amjad Al-Dahamat**,[12] **Tahseen Al-Shahmani**,[13] **Abdulqudus Qasim**,[14] **Riham Yaqoub**,[15] **Sarah Taleb and her husband Hussein Adel**,[16] and **Thaer Karim Al-Tayeb**[17]) in addition to assassination attempts (**Fahad Al-Zubaidi, Abbas Subhi**, and **Lodya Remon Albarti**[18]). Others were subjected to kidnapping, arbitrary arrest, malicious lawsuits, house bombings, sticky bombs, and death threats to terrorise them and prevent them from actively participating in the protests (including **Hussein Al-Gharabi**,[19] **Sajjad Taleb**, **Hisham Al-Shammari**, **Ammar Al-Khazaali**,[20] **Saba Al-Mahdawi**[21]).

5.5. NGOs documented cases of torture and ill-treatment[22] (stabbing with sharp instruments, electric shocks, deprivation of food and water, hanging upside down, beating the foot with cudgels, sexual extortion) against protesters after they were kidnapped from areas close to the demonstration squares, to extract false confessions by force. Baseless charges were brought against them, notably espionage and sharing intelligence. Some were made to sign personal pledges not to participate in or support future protests.

5.6. Women participating in the protests were subjected to violations, from smear campaigns to murder. NGOs documented at least five kidnapping cases, five assassination attempts, and three assassinations. NGOs monitored cases of activists who were kidnapped, filmed in indecent conditions, and threatened with the publication of the content if they continued to participate in or support the protests.

5.7. Many protesters were forcibly exiled due to persecutions and reprisals by armed groups, while no measures were taken to protect victims or hold those responsible accountable.

5.8. 5190 complaints since were filed against protesters systematically from October 2019 to October 2020, according to the High Commission for Human Rights statistics.[23] 3189 were arrested on charges of causing riots, destroying public property, dealing with foreign parties, and other charges related to terrorism and spying. Other protesters are still wanted by authorities.

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[10] https://aawsat.com/home/article/

[11] https://www.gc4hr.org/gchrs-15th-periodic-report-on-human-rights-violations-during-popular-protests/

[12] https://www.gc4hr.org/vicious-tactics-used-against-protesters-and-human-rights-defenders-as-death-toll-and-arrests-multiply/

[13] https://www.gc4hr.org/seventh-periodic-report-on-violations-during-popular-demonstrations/

[14] https://www.gc4hr.org/killing-and-kidnapping-of-human-rights-activists-journalists-and-lawyers-continues/

[15] https://www.gc4hr.org/armed-militia-in-basra-systematically-trying-to-assassinate-human-rights-defenders/

[16] https://www.gc4hr.org/dozens-of-peaceful-demonstrators-killed-and-thousands-injured-as-protests-continue-across-the-country/

[17] https://www.gc4hr.org/human-rights-defenders-and-activists-assassinated-and-kidnapped-as-peaceful-demonstrations-continue/

[18] https://www.gc4hr.org/armed-militia-in-basra-systematically-trying-to-assassinate-human-rights-defenders/

[19] https://www.gc4hr.org/gchrs-eleventh-periodic-report-on-violations-during-the-popular-protests-part-ii/

[20] https://www.washingtoninstitute.org/

[21] https://www.gc4hr.org/vicious-tactics-used-against-protesters-and-human-rights-defenders-as-death-toll-and-arrests-multiply/

[22] https://www.gc4hr.org/torture-in-iraqi-prisons-the-systematic-methods-used-by-security-personnel/

[23] https:/www.ohchr.org/sites/default/files/Documents/Countries/IQ/Demonstrations-Iraq-UNAMI-OHCHR-report.pdfhttps:/www.ohchr.org/sites/default/files/Documents/Countries/IQ/Demonstrations-Iraq-UNAMI-OHCHR-report.pdf

5.9. Government committee investigations into violence against demonstrators since 2019 did not yield any tangible results to reveal those responsible, nor set a time limit for completing the investigation and announcing results.[24] No vote on the members of the parliamentary fact-finding committee on the October events[25] was carried out. A judicial body formed in July 2020 to investigate assassinations has not announced any results.[26]

5.10. Victims of the period after October 2020 were deprived of compensation and redress, as the government decision included only victims from October 2019 to October 2020 under Law No. 20 of 2009 on Compensating Those Affected by War Operations, Military Mistakes, and Terrorist Operations.

6. Freedom of expression

6.1. The Iraqi government has failed to harmonise proposed laws regarding freedom of expression with Article 38 of the Iraqi constitution, which guarantees freedom of expression and peaceful assembly, especially the two draft laws on information crimes and "freedom of expression, assembly, and peaceful demonstration." Additionally, the Iraqi Penal Code 111 of 1969 still contains vague legal articles that threaten the right to freedom of expression.

6.2. In 2021 alone,[27] 233 journalists were victims of assassinations, kidnappings, armed attacks, death threats, liquidation, arrest warrants, detention warrants, beatings, and obstruction of their media coverage. Additionally, some media outlets were closed, and their staff laid off.

6.3. The assassinations[28] of journalist **Ahmad Abdul Samad** and photographer **Safaa Ghali** on 10 January 2020 was in response to a video he posted describing the armed groups that targeted demonstrators during the popular protests.[29]

6.4. The year 2021 saw a decline and sharp deterioration in fundamental freedoms. Attacks included the assassination of journalist **Hisham Al-Hashemi** on 06 July 2021[30] by a policeman from the Ministry of Interior, after he publicly expressed his views on armed groups and their external connections.[31] His family faces constant harassment to waive their personal right to participate in court proceedings, and see justice done.

6.5. NGOs documented the kidnapping and assassination of Yazidi activist **Jameel Suleiman Ailo Al-Zarro**[32] in the Sinjar region by armed groups on 30 July 2022, following his call to organise the Sinjar protests.

6.6. On 16 February 2023, the government arbitrarily arrested journalists **Nour Al-Khikani** and **Munir Al-Husseini** at Al-Suqur Checkpoint in Anbar Governorate. They worked for Al-Baghdadiya TV and were covering a political episode on human rights violations in the Governorate.[33]

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[24] https://almadapaper.net/259714/
[25] https://almadapaper.net/259714/
[26] https://iraq.un.org/sites/default/files/2022-07/OHCHR%20UNAMI%20Update%20on%20Accountability%20in%20Iraq_12%20July%202022%20ENG.pdf
[27] https://www.basnews.com/ar/babat/731315
[28] https://www.gc4hr.org/prominent-journalist-ahmed-abdul-samad-and-cameraman-safaa-ghali-assassinated/
[29] https://www.france24.com/ar/
[30] https://www.gc4hr.org/journalist-and-security-expert-dr-hisham-al-hashemi-assassinated-in-front-of-his-house-in-baghdad/
[31] https://www.bbc.com/arabic/middleeast-57864740
[32] https://www.gc4hr.org/gchrs-24th-periodic-report-on-human-rights-violations-in-iraq/
[33] https://pfaa-iq.com/?p=6674

6.7. Calls to organise demonstrations have become charges against many organisers. This includes the arrest of **Basheer Abbas**[34] on the false charge of "burning the headquarters of a political party" in Basra, for which he was sentenced to 10 years in prison in 2023.

6.8. Women also faced arrests. Journalist **Najah Al-Abedi** and her cameraman **Mohammed Al-Hilali** were arrested, severely beaten, and had their journalistic property confiscated for covering demonstrations in Basra Governorate in 2020[35].

6.9. NGOs documented cases of strict prohibition of peaceful assembly and freedom of expression in Governorates liberated from Dae'sh control (Anbar, Salah Al-Din, Diyala, and Nineveh). Many activists and journalists were arrested after publicly sharing their political and social opinions on social media. In 2022 alone, in Anbar Governorate, the team recorded nine cases of harassment against activists and journalists, including arrest, threat of arrest, and administrative penalties. These practices caused intense fear and reluctance to express opinions.

6.10. At the beginning of 2023, the Ministry of Interior led a campaign to prosecute what it describes as "creators of inappropriate content" under Article 403 of the Penal Code, which has been activated against them.[36] Many activists consider it a controversial article open to multiple interpretations. Consequently, several content creators were tried and received penalties ranging from six months to two years. Many fled, and others panicked. The Ministry of Interior established an electronic platform to report "inappropriate content" and recently announced it had received 96,000 reports and intended to act against them.[37]

7. Transitional justice

7.1. Victims from conflict-affected communities continue to suffer due to inadequate legislation guaranteeing redress for them and their families. Implementation procedures related to existing laws are lacking, and there is a notable absence of the voices of victims and their families in trials related to their cases or government measures to close displaced persons camps.

7.2. Victims express disappointment and frustration over judicial authorities' disregard for the findings and recommendations of investigative committees formed regarding Dae'sh's control of certain provinces (such as the Committee for the Fall of Mosul and the Committee for the Victims of the Speicher Military Base).

7.3. Many victims face criminal restrictions, whether accused or convicted of misdemeanours or violations, preventing them from accessing job opportunities in government institutions and some international organisations. This situation adversely affects their economic, psychological, and social status.

7.4. The government fails to take necessary actions to ascertain the fate of kidnapped individuals and does not provide adequate conditions for the reintegration and rehabilitation of families of Dae'sh members into society. Most of these individuals, primarily women and children, reside in remote, isolated camps without decent living conditions. Some women and children have been subjected to sexual exploitation in exchange for basic necessities. Healthcare and psychological support are insufficient in these camps, and many lack necessary documents, depriving children of basic education.

[34] https://www.gc4hr.org/gchrs-14th-periodic-report-on-human-rights-violations-during-popular-protests/
[35] https://www.radionawa.com/all-detail.aspx?jimare=21597
[36] https://shafaq.com/ar
[37] https://shafaq.com/ar/

7.5. Women victims from conflict-affected communities, especially those from minority groups, suffer the most. They endure severe psychological trauma from the sexual violence they have experienced, compounded by social and economic problems resulting from government neglect of their plight. Some live alone in camps, with few memorials or monuments to commemorate women victims and preserve their memory.

7.6. Children born to Yazidi survivors as a result of rape by terrorist groups are excluded from benefits under the Yazidi Women Survivors Law.

8. The forcibly displaced from post-conflict areas

8.1. 400,000 people have been forcibly displaced since April 2014, following the military liberation operations launched in the governorates that were under the control of Dae'sh.[38]

8.2. After the liberation of the areas and the extension of the control of the government forces and armed groups, sectarian retaliation motivated by discriminatory, economic, and demographic reasons led to the non-withdrawal of some armed groups, who stayed in a number of strategic and resource-rich areas to whose liberation they had contributed. They imposed their complete control over them, independently of government forces, and prevented the return of their original inhabitants.

8.3. The most important of these areas are Jurf Al-Sakhar (Babil), Owaisat (Anbar), Al-Awja (Salah Al-Din), and some scattered areas in several Governorates. The local population displaced from these areas lost their properties and sources of income.

8.4. Fearing persecution and arrest, victims hesitate to go to government institutions to demand redress, submit complaints, and obtain documents because they get accused of belonging to and colluding with terrorist organisations. They are subjected to increased security scrutiny when they visit government institutions. Many of them have lost the opportunity to vote and have political representation.

8.5. Reports allege that some areas where people have been forcibly displaced are being used as a military base and weapons factories and indicate the existence of undiscovered mass graves and secret prisons[39] inside these areas. The victims' families believe that their relatives are still alive in these prisons

8.6. Victims of the displaced population are still forbidden from returning to their areas. There are allegations of replacing them with beneficiaries or families of the armed groups that took control of these lands. They allegedly use the lands economically, exploiting their agricultural, animal and oil resources, and using the revenues to finance these groups.

8.7. Despite the government's promises to resolve the issue of the lands of the forcibly displaced and bring back the original inhabitants, it has not implemented any of the promises it made and has deliberately stalled the issue. The government has not imposed its control over these areas until now.

[38] https://almadapaper.net/230781/

[39] https://reliefweb.int/report/iraq/forced-disappearances-iraq-around-12000-reports-missing-persons-last-six-years-enar

9. Victims of enforced disappearance

9.1. The Iraqi government has not taken any urgent measures of research and fact-finding to uncover the fate of 1,250,000 forcibly disappeared persons, and there is no mechanism in place to search for them in light of the formation of formal committees whose decisions have not led to the desired facts.[40]

9.2. The crimes of enforced disappearance are still ongoing, including the raid by an armed faction on 17 October 2020 of Balad Station in Salah Al-Din Governorate, who took 14 men to an unknown destination. Later, six of them were found dead and four were released, while four are still missing.[41]

9.3. Some armed groups continue to impose their control over different areas in the Governorates (Babil, Anbar, Salah al-Din, Diyala, and Nineveh) independently from the state administration, with allegations indicating the existence of secret prisons in those areas that often subject their residents to disappearance. Government agencies, however, have not carried out any investigation and inspection operations to search for the existence of the prisons and the victims of disappearance[42] in them.

9.4. It is noteworthy that there are 202 mass graves in Iraq.[43] According to testimonies of some of the families of the disappeared victims, they suspect that their children are in these graves, including in the cemetery of the Al-Suqur Checkpoint, Anbar, and the cemetery of Al-Khasfa, Nineveh. They call on the government to open the graves and carry out DNA analysis of the samples.

9.5. The government has not provided a documented database of cases of enforced disappearance, and there are no governmental mechanisms that regulate the process of searching for and compensating the victims and their families, while there is a lack of measures to ensure the non-recurrence of the crime and prevent secondary harm to family members and relatives of the disappeared. There is also an absence of psychological care centres for the families of the victims.

9.6. NGOs documented cases of extortion to which the families of the victims are subjected when they visit government institutions to request a search and investigation. They are forced to pay cash sums to process their papers, while others find their personal information leaked to armed parties who blackmail them for high sums of money in exchange for revealing the fate of their relatives.

9.7. The government procedures do not take into account social privacy and the needs of female relatives of the victims, as they suffer from additional difficulties and challenges, especially when visiting the security services, particularly in the villages and rural areas, which are the most affected by the crimes of enforced disappearance. Most frontline government employees who deal with them are men, and this is socially considered to be shameful in some areas. NGOs documented that some women were subjected to harassment, bargaining, and sexual exploitation, which forced them to stop going to check on their disappeared family members. The government did not put in place serious measures for reporting and complaining about these practices or reducing or investigating them.

9.8. The vast majority of the forcibly disappeared are men, and the full responsibility of providing for their families has shifted to the shoulders of women, but the government has not provided job opportunities and livelihood mechanisms for the

[40] https://almadapaper.net/238215/
[41] https://www.ceasefire.org/ar/the-forever-crime/
[42] https://www.ceasefire.org/wp-content/uploads/2021/01/CFR_Iraq_EN_Jan21.pdf
[43] https://www.bbc.com/arabic/middleeast-46109173

women of the victims' families. Many women suffer from aggravated psychological pressures and find motives to commit suicide, due to the above reasons. In addition, some male relatives control the fate of the families of victims. NGOs did not observe any government measures to provide specialised psychological support to women or work to empower them and build their capacities.

9.9. Since 2016, arrest warrants have been issued against some perpetrators of enforced disappearance crimes, but they have not been enforced so far. Additionally, reports indicate a low number of convictions for this crime, while NGOs documented cases of intimidation and revenge against the families of the victims after they filed complaints with the authorities. The security and judicial institutions refuse to record the complaints submitted by the victims' families against the involved parties, even when they name them. The crimes are instead registered against an unknown person.

9.10. Iraq has not enacted a national law to protect all persons from enforced disappearance, and there are no specific legal provisions that criminalise the practice of enforced disappearance as a separate crime. Although there are several drafts of the law, they do not reflect the aspirations of the victims and civil society, who were not actively involved in its drafting.

10. Victims of terrorism

10.1. Terrorist operations in Iraq have resulted in over 539,550 since 2003 In response, Law No. 20 of 2009 was enacted to provide compensation for those affected by war operations, military mistakes, and terrorist operations[44].

10.2. However, the law requires revisions to address gaps and conflicts in implementation with other laws, particularly in ensuring all rights of victims and their families. The registration procedures for compensation are marked by excessive bureaucracy, prolonged delays (often extending to years), and financial extortion.

10.3. Victims express concerns about the selectivity in applying this law, as some individuals killed in terrorist acts were not recognised as martyrs and consequently not included for compensation.

10.4. The Yazidi Survivors Law of 2021 has been legislated but lacks financial allocations in the federal budget to date.

10.5. Some women, who are family members of victims, face extortion, bargaining, and sexual exploitation when dealing with government institutions to claim compensation due to the absence of gender-sensitive mechanisms. Certain compensation procedures are impractical, such as requiring documents that some victims and families cannot provide, necessitating repeated registration attempts.

10.6. NGOs have documented instances of discrimination in dealing with terrorism victims in Nineveh and Diyala Governorates. For instance, the National Retirement Authority requests terrorism victims to undergo repeated medical examinations despite existing instructions to the contrary. The government has not implemented measures to provide specialised staff for psychological and health support to victims and their families.

10.7. There is a significant lack of statistics and data on the numbers and categories of terrorism victims and their disabilities. This lack of data denies many victims their rights to justice and reparations.

[44] https://iraqkhair.com/2

11. Recommendations

11.1. Investigations and accountability

1. End impunity, ensure thorough investigations, and provide equitable redress for all victims of human rights violations.
2. Consult and involve victims and civil society organisations in all matters concerning the victims, and protect victims' families and witnesses.
3. Remove armed groups from post-conflict areas and transfer control to security forces, facilitate the return of displaced victims, and investigate allegations of secret prisons and mass graves.

11.2. Legislation and laws

1. Enact national laws on "Protection of Human Rights Defenders", "Anti-Torture", and " the Protection of All Persons from Enforced Disappearance" and establish relevant national institutions for victims.
2. Amend the Iraqi Penal Code No. 111 to ensure respect and promotion of human rights and amend the Inmates and Depositors Reform Law No. 18 of 2018 to allow organisations to visit prisons and detention centres.
3. Join the Optional Protocol to the Convention Against Torture (CAT) and recognise the committee's competence to receive complaints.
4. Amend the Law on Compensation for Victims of Military Operations, Military Mistakes, and Terrorist Operations No. 20 of 2009 to ensure all victims of protests and armed conflicts are compensated.
5. Commit to the guidelines for searching for the fate of the disappeared (CED/C/15/2).

11.3. Actions and measures

1. Dismiss malicious lawsuits against human rights defenders, refrain from using flexible legal provisions against them; and refrain from any acts of reprisals and intimidation against defenders seeking to or engaging with the UN.
2. Establish memorials, museums, and public monuments to honor victims, and form a specialised committee to rebuild damaged archaeological and religious sites.
3. Ensure gender equality and prioritise women in all governmental policies and programs.
4. Abolish virginity tests and provide alternative measures to protect women from harassment and rape in detention centres.
5. Provide support centres, rehabilitation, and psychological, health, and economic care, and reintegrate all victims mentioned in the report.