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Joint written statement submitted by International Organization for the Elimination of All Forms of Racial Discrimination, Association Ma'onah for Human Rights and Immigration, International-Lawyers.Org, Meezaan Center for Human Rights, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster*

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2025]

* Issued as received, in the language of submission only.



Iraq's Enforced Disappearance Problem

Introduction

The crime of enforced disappearance is among the most severe human rights violations. It is a horrifying act that leaves deep scars on victims, their families, and whole societies, and represents a flagrant attack on the rights to life, freedom, and personal security. Its practice is often employed by oppressive regimes and armed groups to spread fear and suppress dissent, creating a climate of terror and uncertainty.

Iraq is among the countries with the highest number of victims of enforced disappearance, estimated at over one million persons since 2003. Despite repeated denials by the government, numerous NGOs and UN bodies have produced well-documented reports confirming such figures. State authorities attribute all enforced disappearances to previous governments, denying the verity of any instance of the crime committed since 2003. When state authorities do acknowledge the issue, they falsely claim that any persons who have disappeared over the past two decades belonged to terrorist organizations.

Such remarks obfuscate the reality of the situation in Iraq. State security forces, and increasingly, state-backed armed groups, have for decades weaponized the crime of enforced disappearance to suppress the Iraqi people. This statement outlines how it has been deployed, and provides recommendations to the international community for ending its practice.

Arbitrary Detentions as the Cause for Over one Million Enforced Disappearances since 2003:

The enormous scale of Iraq's enforced disappearance crisis, affecting over one million persons since 2003, is largely attributable to the widespread use of arbitrary detentions since the invasion. From the thousands of cases of enforced disappearance in Iraq we have reviewed over the years, most of the victims were abducted and arbitrarily detained while navigating their daily lives, on their way to work, school or shopping centers. Some were seen being picked up by police or security forces, others by uniformed militias, and piled into their vehicles. A common tactic of these units is to fire live ammunition into the air to prevent people from coming near the scene. This practice has been common in Sunni-majority areas for the past two decades, with the number of arrests per wave of arbitrary detentions often reaching 30 to 100 persons.

This practice became even more prevalent since 2014, as Da'esh expanded its terrorist activities throughout the country. Militias and security forces have used the pretext of fighting the organization to go to Sunni-majority areas and arrest people in droves, as well as destroy their homes and local infrastructure. Relatives of the arbitrarily detained are given no information about the charges against their loved ones, and no insight into their location or the conditions under which they were illegally imprisoned. Many of those arrested have later been found killed and thrown away in public areas with visible signs of torture and cruel treatment. The fate of the rest of the abducted remains secret, though many are suspected of having been murdered by way of extrajudicial applications on the death penalty. Families face significant obstacles to conducting a proper search for their loved ones, and are provided no assistance in locating them. Fear of and intimidation from security forces and militias dominate to such an extent that families are afraid even to reclaim a body, let alone launch an investigation.

Even if families push to locate the forcibly disappeared, they have little hope of succeeding because of the opacity of the process of arbitrary detention. There are no proper procedures for registering detainees in Iraq and no records are kept of their imprisonment. This lack of due process is further compounded by the sheer number of armed security bodies in the country who are legally authorized to implement orders and detentions. This multitude of security forces means that it is not always clear during an arrest which authority is in charge of the detention, which ministry they act on behalf of, where the persons are taken, and what the charges brought against them are.

We have received numerous communications detailing that those who conduct the arbitrary detentions are generally in government uniforms, and yet, state authorities systematically deny that the arrests were carried out by their forces.

The prevalence of secret prisons throughout Iraq contributes to the issue of unreported arbitrary detentions. The number of such institutions in the country remains unknown, exacerbating the difficulty of tracking down those detained by state security forces and affiliated militias. Credible information collected by our coalition of NGOs indicates that there are more than 420 secret prisons in Iraq. Most army, police and state security units have their own secret prisons, as well as militia forces who keep theirs secret even from the government agents they associate with.

The Lack of Effective Measures to Combat Enforced Disappearances:

Domestic Legislation

Iraq has thus far failed to pass a law that protects all individuals from enforced disappearance, and there is no legal provision that criminalizes enforced disappearance as an autonomous crime. This is despite the submission of four draft bills aimed to address the matter at the Iraqi Council of Ministers in the past. None of these were included in the current or previous sessions of Parliament. The draft bills faced objections from victims' families, as well as human rights organizations, as they were not involved in their preparation and the proposals did not meet their expectations. The drafts also failed to align with the spirit of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

The current institutional framework for addressing enforced disappearances is structurally flawed, whether by design or because of Iraq's fragmented political system. Over 30 separate laws, including constitutional provisions, statutes, and regulations, delegate responsibilities across more than 17 governmental bodies or official institutions involved in addressing cases of enforced disappearance. This fragmentation has made it difficult for victims' families to follow up on official processes. The resulting confusion has created opportunities for financial corruption and sexual exploitation, which victims' families have faced at the hands of employees working in the institutions handling the issue of enforced disappearance.

International Recommendations

Despite claims of cooperation with international human rights bodies, the Iraqi government has shown a consistent lack of commitment to implementing key recommendations from the United Nations. For instance, the Committee on Enforced Disappearances (CED) has repeatedly urged Iraq to adopt a comprehensive strategy to address enforced disappearances. Specific recommendations from the April 2023 report include criminalizing enforced disappearance as an autonomous crime, establishing accountability mechanisms for investigative bodies, and strengthening forensic capacity to uncover mass graves and identify victims.

However, no tangible progress has been made. The Iraqi authorities have neither acknowledged the scale of the issue nor implemented measures to address it. The burden of action remains with civil society organizations, which operate under increasingly restrictive conditions to amplify victims' voices and provide support. Families of the disappeared continue to face legal and procedural barriers, such as being forced to declare missing loved ones deceased to access basic services—an agonizing decision that strips them of hope and dignity.

This inaction underscores a troubling pattern: Iraq's noncompliance with international obligations perpetuates impunity and deepens the suffering of victims and their families. Urgent and sustained international pressure is needed to break this cycle and ensure accountability, especially given the Iraqi government's deliberate efforts to curtail international oversight.

The expiration of the mandates for the Investigative Team to Promote Accountability for Crimes Committed by Da'esh (UNITAD) and the United Nations Assistance Mission for Iraq (UNAMI) in 2024 and 2025, respectively, reflects an intentional move to limit scrutiny and avoid accountability for grave human rights violations. These events coincide with the growing influence of state-backed armed groups in Iraq's social, political and economic affairs. By allowing these critical mechanisms to lapse, the government has weakened the international community's ability to investigate atrocities and support victims, further entrenching impunity. Reengagement and innovative approaches are essential to address the accountability vacuum left in their wake.

Recommendations

Addressing Iraq's dire enforced disappearances problem is of urgent importance. The international community, particularly members of the Human Rights Council, must not allow Iraq's government to evade accountability for its numerous violations of international law, international humanitarian law, and international human rights law. To address these pressing issues, we urge the following actions:

- Dispatch independent investigative committees with broad mandates to investigate arbitrary detentions, torture, enforced disappearances, and extrajudicial killings in Iraq, and report their findings publicly.
- Appoint a UN Special Rapporteur on Iraq's human rights situation to ensure sustained attention on the crisis.
- Mobilize financial and technical resources to empower Iraqi civil society organizations and the Iraqi High Commission for Human Rights, ensuring their independence and ability to operate without government interference.
- Reinstate international mechanisms like UNAMI and UNITAD, or establish alternative frameworks to ensure ongoing scrutiny and justice for victims.

The Human Rights Council must act decisively to protect victims and uphold its mandate. Failure to do so will embolden perpetrators, entrench impunity, and erode the international community's credibility in addressing gross human rights violations.

Geneva International Centre for Justice (GICJ), Arab Lawyers Association-UK, Human Rights Defenders (HRD), Brussels Tribunal, Iraqi Committee for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), Organization for Justice & Democracy in Iraq (OJDI), NGO(s) without consultative status, also share the views expressed in this statement.