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Human rights situations that require the Council's attention

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, Union of Arab Jurists, United Towns Agency for North-South Cooperation, 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.

[22 January 2021]

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



Iraq: The Situation of Enforced Disappearances

Introduction

The purpose of this statement is to reiterate that the Iraqi government must be held accountable for the widespread and systematic enforced disappearances that have occurred in Iraq since 2003. The international community must not be misled by the government's attempts to divert international attention and scrutiny into these enforced disappearances through their ingenuine responses to the issue and their masterful attempts at constructing an alternative reality. A clear diversion is the government's establishment of a defunct "Missing Persons Section" in the Human Rights Department of the Ministry of Justice, which has not done anything material to ascertain the whereabouts of disappeared persons. Another clear example is the government's denial of the existence of secret detention centres, which is a blatant lie.

The statement refutes all efforts by the Iraqi government to absolve itself of responsibility for these enforced disappearances by attributing blame on unknown groups, as there is overwhelming evidence that the government, and its Security Forces, are all directly responsible for the enforced disappearances and are indirectly responsible for enforced disappearances conducted by militias through their close affiliations with these groups. The political landscape in Iraq is deeply influenced by these militia groups, with political parties beholden to militias. This includes all branches including the executive government, legislature and judiciary.

Documenting of Enforced Disappearances

Non-governmental organizations (NGOs) who join this statement have documented hundreds of cases of enforced disappearances in Iraq. They have advocated for accountability and justice for victims and their families. Despite these efforts, the Iraqi government has not been held to account and there is insufficient pressure placed on Iraq by the international community to ascertain the whereabouts of the disappeared persons, and ensure justice for them and their families.

The following are certain documented cases of enforced disappearances that require the international community's urgent attention and the Iraqi government's urgent action to ascertain or reveal their whereabouts and circumstances. However, it is important to note that these are just a few of the important documented cases, among a mountain of violations, which cannot all be discussed herein.

I. Al Anbar Province

In 2015, civilians systematically disappeared from Al Anbar province while fleeing the violence and control of ISIS. Thousands of people reached the Bzebis Bridge seeking entry to Baghdad; however, the Iraqi government refused them entry with some (politicians) claiming that ISIS members may be hidden among them. Militias controlling the checkpoints around the area then abducted 2200 persons and subsequently, refused to acknowledge that they were in their custody. Despite calls from the local authorities in Al Anbar province, several members of the Iraqi government who were aware of the abductions did nothing to discover their whereabouts. According to information gathered, the main perpetrators of these abductions were Kata'ib Hezbollah and Asa'ib Ahl al-Haq.

On 27 May 2016, the militia organization called "Risaliyon", under the command of the Iraqi parliament member Adnan Al Shahmani, abducted 73 men from the city of al-Karmah after escaping ISIS and took them to a secret location.

On 22 May 2016, Iraqi security forces, backed by hundreds of militias - trained and armed by the Islamic Republic of Iran- and well supported by a United States of America-led air coalition, launched an attack against Fallujah. Between 2 and 5 June 2016, during the fighting in Saqlawiya, a small city 20 km west of Fallujah, over 1,000 civilians fled. They

sought the assistance and help of the nearest military unit, but discovered that this unit was the Al-Hashad al-Shaabi militia. Of these, hundreds were executed or died from being severely tortured, while others disappeared. We have documented 643 of such cases. These facts were confirmed by the local authorities in Al-Anbar province, and Mr. Ján Kubiš, Special Representative of the United Nations (UN) Secretary-General and Head of the UN Assistance Mission for Iraq, in a briefing of the Security Council held on 15 July 2016. It was also confirmed by Mr. Zeid Ra'ad Al Hussein, then UN High Commissioner for Human Rights, in a statement on 5 July 2016. Despite the overwhelming evidence of these abductions, the Iraqi government has not acknowledged them and has not made any real efforts to find the disappeared persons as the abductions were mainly perpetrated by Kata'ib Hezbollah, Asa'ib Ahl al-Haq and Badr brigade, with the knowledge and cooperation of the Iraqi forces.

II. Diyala Province

Before the end of January 2015, the Iraqi military forces announced the full liberation of all the areas that were under ISIS control in the province of Diyala. Several militias, mainly Asa'ib Ahl al-Haq, Badr brigade, Saraya Al Salam and Kata'ib Hezbollah, took advantage of the tense situation to seize control of all the province resources. In doing so, they prevented a large number of displaced citizens from returning to their homes, particularly the residents of Muqdadiyah and the Sinsil Bassin which includes more than 33 villages.

Abductions, often targeting young people, were among the many methods used by militias to intimidate people. This campaign continued for more than a year, whereby hundreds of people had been abducted by governmental units and the militias, and to the present date, their whereabouts remains unknown. This was aggravated by other incidents in 2019 of forced displacement in several villages of Abi Sayda city. The events unfolding in Diyala were part of a systematic policy implemented by the Iraqi authorities through its affiliated militias that aimed at displacing Sunni Arab residents and to provoke a forcible demographic change within the Diyala province. As a result, the number of disappeared persons continues to grow each year.

III. Salah ad-Din Province

By 14 November 2014, the Iraqi government declared that Baiji city was liberated from ISIS control. The destruction of the city forced much of the population to leave, under the pressure of the militias. The militias abducted more than 200 persons from the city and the surrounding villages, whose whereabouts remains unknown.

Al Dour was also recovered from ISIS by the Iraqi government and militias in the first week of March 2015. However, the militia, mainly Kata'ib Hezbollah, used the operation as a pretext to destroy most of the city. They burned houses, villages, and farms. They abducted 300 persons, most of them were men from specifically targeted families and their whereabouts remains unknown.

IV. October 2019 Demonstrations

Throughout the anti-government demonstrations raging in Iraq since the beginning of October 2019, there have been a growing number of demonstrators, human rights defenders and journalists forcibly disappeared. It is almost certain that the killings and abductions are being carried out under Iraqi government orders, whether carried out by government security personnel or affiliated militias.

Enforced disappearances, especially of civil society activists and members of the press, have become widespread. At the end of January 2020, we registered over 150 cases of abductions and assassinations of human rights defenders and civil society activists. Most of the cases occur while these activists are returning to their homes from demonstrations. Security forces are not only attacking protest leaders and activists but are also intentionally targeting medics whose only objective is to treat those who have already fallen victim to the violence. The whereabouts of many of the abducted activists remains unknown.

The Right to Truth

The United Nations has embodied the right to the truth in various international instruments. On 20 April 2005, the then Commission on Human Rights adopted human rights resolution 2005/66 recognising the right to the truth by consensus. At the 21st session of the Human Rights Council, resolution 21/7 was adopted by consensus reaffirming the right to the truth. The inalienable right to the truth is enshrined in the United Nations Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. The International Convention for the Protection of All Persons from Enforced Disappearances takes a very clear position on the right to the truth.

In light of the established international law on the right to truth and specifically in relation to the right to truth in the context of enforced disappearances, the lack of action and scrutiny by the international community on the Iraqi government's failure to account for the whereabouts of persons subjected to enforced disappearances since 2003 is inexcusable.

Recommendations

The endorsing organisations of this joint statement recommend the following:

1. The Human Rights Council, particularly the Working Group on Enforced Disappearances:
 - Take a firm stance and condemn the situation of enforced disappearances in Iraq;
 - Pressure the Iraqi government to account for the whereabouts and circumstances of the thousands of enforced disappearances since 2003;
 - Take all measures within their power to ensure the realisation of the Iraqi people's inalienable right to the truth, particularly disappeared persons and their family.
2. The Human Rights Council must establish an accountability mechanism to look into the enforced disappearances in Iraq since 2003, providing much needed answers to the families of the disappeared.
3. The United Nations should establish an international tribunal to investigate and prosecute all human rights violations in Iraq since 2003, including enforced disappearances.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.