



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Thirtieth session

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List of priority themes in relation to the additional information submitted by Iraq under article 29 (4) of the Convention and to the State Party's observations on the report of the Committee on its visit to Iraq under article 33

Note by the Committee

1. The Committee recalls that the International Convention for the Protection of All Persons from Enforced Disappearance does not provide for periodic reports; rather, it provides for a procedure in which the Committee may request States Parties for additional information. To enable effective and efficient monitoring, and pursuant to rule 49 (1) of its rules of procedure, the Committee may request such information whenever it considers it necessary, in the light of the status of implementation of its recommendations by the State Party and the evolution of the situation related to enforced disappearance in the State Party. In that regard, the examination of the additional information submitted by States Parties pursuant to article 29 (3) and (4) of the Convention covers a maximum of four priority themes identified by the Committee, and the procedure comprises four phases:

(a) Identification, by the country rapporteurs, of priority themes related to the implementation of previous concluding observations and/or to the evolution of the situation of enforced disappearance in the State Party concerned and adoption of the list of priority themes by the Committee plenary;

(b) Transmission of the list of priority themes to the State Party; no written response is expected from the State Party at this stage of the procedure;

(c) Public dialogue between the Committee and a delegation of the State Party, with active participation by the competent authorities of the State Party; for Iraq, the constructive dialogue will take place during two three-hour meetings at the thirtieth session of the Committee;

(d) Adoption by the Committee of concluding observations, in which the Committee highlights its concerns and recommendations and indicates the next steps in the procedure, as determined in the light of the measures needed to implement the recommendations and of the evolution in the situation of enforced disappearance in the State Party.

2. Having considered the additional information submitted by Iraq under article 29 (4) of the Convention, dated 30 October 2024,¹ and the observations received from the State Party, dated 2 August 2023, in relation to the Committee's report on its visit under article 33

¹ [CED/C/IRQ/AI/2](#).



of the Convention,² the Committee decided to focus its next dialogue with the State Party on the list of priority themes and related issues set out below. The list is not exhaustive and other issues may be raised during the dialogue. All interested persons and organizations may provide information on the issues raised, through written contributions and in confidential oral briefings with the Committee that will take place ahead of the dialogue with the State Party.

I. Harmonization of legislation with the Convention, and institutional framework

3. Please clarify the timeline for the adoption of a law establishing enforced disappearance as an autonomous offence, in line with article 4 of the Convention and the recommendations made by the Committee since 2015,³ and indicate the current status of the bill on enforced disappearance, including steps envisaged to ensure its prompt enactment (arts. 1–8, 12 and 24).

4. Please clarify whether the draft law includes:

(a) A definition of enforced disappearance that fully complies with article 2 of the Convention and covers acts committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State;

(b) A comprehensive reparation framework that includes restitution, rehabilitation, satisfaction and guarantees of non-repetition, in line with article 24 (5) of the Convention (arts. 1–7).

5. Please explain how executive decrees on “missing persons” will be harmonized with legislative guarantees adopted under the Convention and confirm that such executive measures will not serve as a substitute for the adoption and implementation of a comprehensive law on enforced disappearance (arts. 1–7).

6. Please describe steps taken to ensure that all institutions, policies and registers make a clear operational distinction between the terms “missing persons”, “disappearance” and “enforced disappearance” and describe how this distinction is reflected in procedures for the search for disappeared persons, the investigation of alleged disappearances and the reparation framework for victims (arts. 2–5 and 24).

7. Please describe measures taken to align provisions relating to the criminal responsibility of superior officers and to due obedience with article 6 of the Convention, including any amendments to article 40 of the Criminal Code (arts. 7 and 8).

8. Please explain how delays in the issuance of arrest warrants, which have been reported in the majority of cases raised under the Committee’s urgent action procedure, are being addressed by the State Party (arts. 7 and 8).

9. Please provide information on time-bound targets, indicators and resources that will be included in the next national human rights plan and the human rights plan of the Kurdistan Region to prevent and eradicate enforced disappearances (arts. 1–7).

10. Please provide information on the number of cases of alleged enforced disappearance reported to the National Committee for Missing Persons and the High Commission for Human Rights and the proportion of these cases that have been registered (arts. 12 and 24).

11. In view of the termination of the mandates of the United Nations Assistance Mission for Iraq and the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant (UNITAD), please indicate the measures taken to prevent gaps in the documentation, investigation and prosecution of enforced disappearance cases resulting from the closure of these mechanisms, including steps to preserve and transfer forensic, testimonial and evidentiary materials collected by UNITAD

² CED/C/IRQ/OVR/1.

³ CED/C/IRQ/CO/1, para. 14.

in relation to mass graves and Da'esh crimes. Please clarify how victims and civil society organizations will have access to this information (arts. 12–14 and 24).

12. Please describe the measures adopted or envisaged to safeguard the institutional, functional and financial independence of the High Commission for Human Rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), particularly in the light of its placement under ministerial authority. Please clarify how the Commission's mandate and access to places of deprivation of liberty and to registers of persons deprived of liberty have been affected by this structure (arts. 12 and 24).

13. Please indicate what measures the State Party envisages in order to restructure the National Committee for Missing Persons and ensure its independence, impartiality and effectiveness, and a membership with relevant qualifications, excluding any persons who are suspected or organizations whose members are suspected of having committed an offence of enforced disappearance⁴ (arts. 12 and 24).

14. In the light of article 95 of the Constitution prohibiting the establishment of special courts, please clarify what measures are envisaged to establish a specialized judicial body or prosecutorial unit to handle cases of enforced disappearance (art. 11).

15. Please clarify the implementation status of the instructions issued by the Prime Minister's Office to ensure training on enforced disappearances and on the promotion of related inter-institutional coordination, including the dates, participants and outcomes of such training (art. 23).

II. Search, investigation, prosecution and prevention of enforced disappearances

16. Please describe the measures taken to establish a centralized, independent and efficient search mechanism that has adequate resources to address all cases of enforced disappearances in the State Party, and indicate the timeline for the implementation of this project. Please also describe the challenges faced by the State Party in establishing such a mechanism and the measures taken to overcome them. In that context, please specify the measures taken to ensure that cases of enforced disappearance that have occurred since 2003 are duly investigated (arts. 12 and 24).

17. Please provide information on investigations into allegations received by the Committee in relation to the enforced disappearance and execution of persons in detention, and on the investigation mechanisms that have been used, their findings and adopted sanctions (arts. 17 and 18).

18. Please provide updated information on mass graves identified and excavated since the Committee's visit to Iraq in 2022 and those planned for future investigation, including information on geographical scope, prioritization criteria and the inclusion of all victims of alleged disappearance, regardless of their ethnic, religious or national background or the time, location and circumstances of their disappearance (arts. 12 and 24).

19. Please indicate whether any identified or excavated graves, or investigative files, relate to cases registered under the Committee's urgent action procedure, and describe the measures taken to ensure coordination between the competent search and investigative bodies and the focal point on urgent actions of the Ministry of Foreign Affairs so that all relevant information is efficiently shared between these entities and with the victims and the Committee (arts. 12, 24 and 30).

⁴ The National Committee for Missing Persons includes persons, such as members of the Popular Mobilization Forces, who might be implicated in the crime of enforced disappearance. This could seriously undermine confidence in the work of the National Committee and discourage citizens from submitting complaints for fear of threats or reprisals.

20. Please indicate whether any unauthorized openings of mass graves⁵ have occurred and, if so, describe the State's response to such acts. Please also describe the measures taken to protect the chain of custody and to prevent the contamination and loss of evidence (arts. 12 and 24).

21. Please provide information on steps taken to establish and maintain complete, accurate and up-to-date national registers of all persons deprived of liberty, in accordance with article 17 of the Convention, and on the consideration given to the recommendations made by the High Commission for Human Rights to improve prison administration (arts. 17 and 18).

22. Please explain what measures the State Party is taking to address reports of ongoing disappearances.

23. Please describe the measures taken to ensure that all persons deprived of liberty enjoy immediate access to legal counsel, family contact and judicial oversight from the outset of the deprivation of liberty, and to investigate allegations of secret detention and denial of safeguards, taking into account the concerns expressed and the recommendations frequently made by the Committee in that regard in the context of its urgent action procedure and in the report on its visit to Iraq⁶ (arts. 10, 17, 18 and 22).

24. Please provide information on plans to ensure adequate health services in all places of detention nationwide as a key tool to prevent and eradicate enforced disappearances, including measures to extend initiatives reported in the Kurdistan Region (arts. 17 and 18).

25. Please describe how allegations related to the existence and use of secret places of deprivation of liberty are verified and investigated by the State Party, and the outcome of such processes.⁷ Please explain how the State Party informs the victims and society at large about the conduct and outcome of such investigations (arts. 17 and 18).

III. Rights of victims of enforced disappearance

26. Please clarify how the High Commission for Human Rights and civil society organizations were consulted during the preparation of the State Party's additional information (arts. 23 and 24).

27. Please indicate what steps have been taken to ensure that the definition of "victim" in domestic law fully complies with article 24 of the Convention, including by recognizing as victims the relatives of disappeared persons and any individual who has suffered harm as the direct result of an enforced disappearance. Please specify the measures taken to ensure their effective access to truth, justice, reparation and guarantees of non-repetition, in compliance with the Convention, and, in that regard, clarify the specific provisions included in the current version of the bill on enforced disappearance (art. 24).

28. Please describe the measures taken to guarantee the effective participation of victims and their representatives in search, investigation, exhumation, identification and judicial processes, providing concrete examples of such participation (arts. 12 and 24).

29. Please describe the measures taken to implement the Committee's recommendations to remove the requirement for a death certificate from all procedures until the fate of the disappeared person has been fully clarified and to legally provide for the issuance of declarations of absence by reason of disappearance to enable the regularization of the legal situation of disappeared persons and their relatives⁸ (art. 24).

30. Please describe the measures adopted: (a) to prevent all acts of intimidation and reprisal against all victims, human rights defenders, lawyers, civil society organizations and

⁵ CED/C/IRQ/AI/2, para. 143.

⁶ CED/C/IRQ/CO/1, para. 29 (d) and (e); CED/C/IRQ/OAI/1, para. 21; and CED/C/IRQ/VR/1 (Recommendations), paras. 56–79.

⁷ See CED/C/IRQ/OAI/1, paras. 16 and 17; and CED/C/IRQ/VR/1 (Recommendations), paras. 64 and 80–83.

⁸ CED/C/IRQ/OAI/1 and CED/C/IRQ/VR/1 (Recommendations), para. 118.

other individuals actively participating in the search and investigation process; (b) to investigate all related allegations; and (c) to punish identified perpetrators⁹ (arts. 12 and 24).

31. Please specify the measures taken by the State Party, since the visit of the Committee in 2022, to implement a protection programme for individuals actively participating in the search and investigation process, accompanied by a concrete and realistic action plan, adequate human and financial resources and mechanisms of international cooperation and mutual assistance. Please provide statistics on the number of requests for protection that have been received and the types of protection measures provided (art. 24).

32. Please clarify what guarantees are in place to protect the personal data, information and privacy of complainants, including measures to investigate and punish any breach of such guarantees. Please also provide information on the measures taken to protect disappeared persons and their families from threats, reprisals, stigmatization and hate speech (arts. 12, 19 and 24).

IV. State Party's cooperation with the Committee

33. Please describe the existing mechanisms to follow up on the implementation of the Committee's recommendations transmitted to the State Party since 2013 through the review of the State Party's reports and the Committee's report on its visit to Iraq (arts. 26 (9), 29 (1), (3) and (4) and 33).

34. Please explain the measures taken to ensure that the State Party's replies to all urgent action requests fulfil the requirements of article 30 of the Convention, especially in relation to the sharing of information on the measures taken to search for disappeared persons and investigate alleged disappearances. Please also explain, where applicable, the reasons for delays in replying, the failure to provide substantive information and, in some cases, the lack of a reply (art. 30).

35. Please describe the measures taken to ensure that statistical and analytical data on urgent actions are made public and shared with parliament and the High Commission for Human Rights, and describe how lessons learned from urgent action cases have informed broader reforms in search processes, detention safeguards, victim protection and inter-institutional coordination, including between federal and Kurdistan authorities (art. 30).

⁹ [CED/C/IRQ/VR/1 \(Recommendations\)](#), para. 97.