



MENA
Rights
Group

Iraq

Alternative report

Report submitted to the Committee on Enforced Disappearance (CED) on its 30th session in the context of the review of Iraq's follow up report

February 2026

Table of contents

1	Introduction	3
2	Harmonisation of legislation with the Convention and institutional framework	4
2.1	Failure to adopt the draft law on the Protection of Persons from Enforced Disappearance.....	4
2.1.1	<i>Current status of the draft law on the Protection of Persons from Enforced Disappearance</i>	<i>4</i>
2.1.2	<i>Content of the draft law on the Protection of Persons from Enforced Disappearance</i>	<i>5</i>
2.2	Lack of independence and inadequate institutional framework addressing enforced disappearance	6
2.2.1	<i>Iraqi High Commission for Human Rights (IHCHR).....</i>	<i>6</i>
2.2.2	<i>National Committee for Missing Persons.....</i>	<i>7</i>
3	Search, investigation, prosecution and prevention of enforced disappearance.....	8
4	State Party’s cooperation with the Committee.....	9
5	Conclusion and recommendations	10

1 Introduction

This alternative report is submitted by MENA Rights Group to the Committee on Enforced Disappearances (hereinafter “the Committee”) ahead of its 30th session in March 2026, during which the Committee will review additional information submitted by the State of Iraq under article 29 (4) of the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter “the Convention”).¹

Iraq ratified the Convention on 23 November 2010. Despite its international commitments, Iraq continues to have one of the highest numbers of disappeared persons worldwide. According to the Committee’s report following its visit in 2023, between 250 000 and 1 million individuals are estimated to have been disappeared since 1968.² The widespread and systematic practice began at the time of Saddam Hussein and persisted after the 2003 U.S. invasion, escalated in the context of the fight against ISIL, and continued to be used by government forces and state-sponsored militias in the context of the 2019-2020 protests.³

MENA Rights Group has documented hundreds of cases of enforced disappearance in Iraq which occurred between 2014 and 2017, primarily targeting men and boys who were from or lived in areas that were under ISIL control and with (perceived) ISIL affiliation. Since filing the cases under the Committee’s urgent procedure, and despite the Committee’s repeated concrete recommendations to the Iraqi authorities in view of clarifying the fate and whereabouts of the disappeared, none of their cases have been clarified to date.

In the context of the October 2019 Tishreen protests, MENA Rights Group documented and filed with the Committee a dozen cases of individuals who disappeared, including protesters, medical personnel, journalists, photographers, and a human rights lawyer. These include eight individuals who directly participated in protests between October 2019 and March 2020,⁴ two

¹ Committee on Enforced Disappearance, *Additional information submitted by Iraq under article 29 (4) of the Convention**, 18 November 2024, UN Doc. CED/C/IRQ/AI/2, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FIRQ%2FAI%2F2&Lang=en (accessed on 5 February 2026).

² Committee on Enforced Disappearance, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1 (Findings), para. 9.

³ Committee on Enforced Disappearance, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1 (Findings), para. 10.

⁴ MENA Rights Group, *Peaceful protestor Abdel-Messih Sarkis disappeared since arrest on March 1, 2020*, 13 March 2020, <https://menarights.org/en/caseprofile/peaceful-protestor-abdel-messih-sarkis-disappeared-arrest-march-1-2020> (accessed on 4 February 2026); MENA Rights Group, *Protestor Mahmoud Al Shuwaili disappeared since December 2, 2019*, 28 January 2020, <https://menarights.org/en/caseprofile/protestor-mahmoud-al-shuwaili-disappeared-december-2-2019> (accessed on 4 February 2026); MENA Rights Group, *Iraqi activist Ahmad Al Darraji released after abduction on January 17, 2020*, 24 January 2020, <https://menarights.org/en/caseprofile/whereabouts-iraqi-activist-ahmad-al-darraji-remains-unknown-after-abduction-january-17> (accessed on 4 February 2026); MENA Rights Group, *Iraqi activist Khaled Al Awadi released after three-month disappearance*, 29 January 2020, <https://menarights.org/en/caseprofile/iraqi-activist-khaled-al-awadi-disappeared-whilest-while-returning-home-after> (accessed on 4 February 2026); MENA Rights Group, *Iraqi protestor Sarmad Al Zubaidi released after four-month disappearance*, 4 March 2020, <https://menarights.org/en/caseprofile/iraqi-protestor-sarmad-al-zubaidi-disappeared-november-5-2019> (accessed 24 May 2024); MENA Rights Group, *Peaceful protestor and activist Ahmed Al Zubaidi released after nearly three-month disappearance*, 13 March 2020, <https://menarights.org/en/caseprofile/peaceful-protestor-and-activist-ahmed-al-zubaidi-disappeared-abduction-december-26-2019> (accessed on 4 February 2026); MENA Rights Group, *Iraqi singer Melad Al Sayad subjected to enforced disappearance for three months following abduction in February 2020*, 20 March 2020, <https://menarights.org/en/caseprofile/iraqi-singer-melad-al-sayad-disappeared-abduction-february-23-2020> (accessed 24 May 2024); MENA Rights Group, *Prominent activist in Dhi Qar governorate disappeared since September 19, 2020*, 15 October

individuals who had provided medical assistance to protestors,⁵ two freelance photographers and one journalist covering the protests,⁶ one individual who had expressed support for the protests online,⁷ and one human rights lawyer who had represented several demonstrators arrested in connection with the protests.⁸

This report addresses two priority themes identified by the Committee for its dialogue with Iraq:⁹ (i) Harmonisation of legislation with the Convention and institutional framework; (ii) Search, investigation, prosecution and prevention of enforced disappearance; (iii) State Party's cooperation with the Committee. The report draws upon MENA Rights Group's documentation work, consultations with victim's families and civil society actors, and analysis of available information about enforced disappearances in Iraq.

2 Harmonisation of legislation with the Convention and institutional framework

2.1 Failure to adopt the draft law on the Protection of Persons from Enforced Disappearance

2.1.1 Current status of the draft law on the Protection of Persons from Enforced Disappearance

Despite repeated recommendations made by the Committee since 2015¹⁰ and following its visit in 2022,¹¹ Iraq still fails to adopt a legislation establishing enforced disappearance as an autonomous offense. The draft law on the Protection of Persons from Enforced

2020, <https://menarights.org/en/caseprofile/prominent-activist-dhi-qar-governorate-disappeared-september-19-2020> (accessed on 4 February 2026).

⁵ MENA Rights Group, *Female human rights defender Saba Al Mahdawi subjected to reprisals after providing medical assistance to anti-government protestors*, 14 November 2019, <https://menarights.org/en/caseprofile/female-human-rights-defender-saba-al-mahdawi-subjected-reprisals-after-providing> (accessed on 4 February 2026); MENA Rights Group, *First aid volunteer Ahmed Bukli secretly detained for nearly a week*, 21 November 2019, <https://menarights.org/en/caseprofile/first-aid-volunteer-ahmed-bukli-forcibly-disappeared-november-16-2019> (accessed on 4 February 2026).

⁶ MENA Rights Group, *Freelance photographer Zaid Al Bahadeily disappeared during demonstrations*, 13 December 2019, <https://menarights.org/en/caseprofile/freelance-photographer-zaid-al-bahadeily-disappeared-during-demonstrations> (accessed on 4 February 2026); MENA Rights Group, *Freelance photographer Osama Al Tamimi disappeared since January 2, 2020*, 21 January 2020, <https://menarights.org/en/caseprofile/freelance-photographer-osama-al-tamimi-disappeared-january-2-2020> (accessed 24 May 2024); MENA Rights Group, *Freelance Journalist Basim Al Za'ak abducted while broadcasting protests and disappeared since October 2021*, 7 June 2022, <https://menarights.org/en/case/basm-mhmd-bd-allh-slman-alzak> (accessed on 4 February 2026).

⁷ MENA Rights Group, *Former intelligence officer, Nizar Al Jabari, disappeared since abduction on January 22, 2020*, 3 April 2020, <https://menarights.org/en/caseprofile/former-intelligence-officer-nizar-al-jabari-disappeared-abduction-january-22-2020> (accessed on 4 February 2026).

⁸ MENA Rights Group, *Human rights lawyer Ali Jaseb Hattab Al Heliji disappeared since arrest in Amarah on October 8, 2019*, 23 October 2019, <https://menarights.org/en/caseprofile/human-rights-lawyer-ali-jasib-hattab-al-heliji-disappeared-arrest-amarah-october-8-2019> (accessed on 4 February 2026).

⁹ Committee on Enforced Disappearance, *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*, UN Doc. CED/C/IRQ/Q/Al/2.

¹⁰ Committee on Enforced Disappearances, *Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention*, 27 October 2015, UN Doc. CED/C/IRQ/CO/1, para. 14.

¹¹ Committee on Enforced Disappearance, *Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention*, 19 April 2023, UN Doc. CED/C/IRQ/VR/1, para. 9.

Disappearance¹² is still pending before the Iraqi Parliament, with no clear timeline for adoption. On 6 August 2023, the Iraqi News Agency reported that the Council of Ministers in Parliament approved the draft law and referred it to the Council of Representatives for voting.¹³

In 2024, the draft was still not voted through due to political disagreements and multiple different versions being consolidated.¹⁴ A “first reading” of the draft law appeared on the agenda of a parliamentary session in February 2025,¹⁵ however this still does not amount to enactment but rather constitutes an early step in the legislative process. In order for a law to be enacted, a final vote must be announced by the Council of Representatives followed by publication in the official gazette.¹⁶

2.1.2 Content of the draft law on the Protection of Persons from Enforced Disappearance

MENA Rights Group has previously analysed the draft law and identified significant shortcomings.¹⁷ While the definition largely aligns with article 2 of the Convention, the draft law fails to extend protection to “any individual who has suffered harm as a direct result of the enforced disappearance,” as required by article 24 of the Convention, since the law only applies to direct victims and perpetrators.

Despite Iraq having one of the highest rates of enforced disappearances in the world, the draft law contains no provision recognising that enforced disappearances occurring as part of a widespread or systematic practice constitute a crime against humanity.

The draft law also fails to capture all provisions of article 6 of the Convention, potentially excluding from criminal responsibility those who order or induce the commission of an enforced disappearance, those who attempt enforced disappearance, and responsible superiors who fail to prevent or repress the commission of enforced disappearance despite having knowledge or information indicating such crimes were being committed.

Finally, the draft law does not provide for a comprehensive reparation framework including restitution, rehabilitation, satisfaction, and guarantees of non-repetition as required by article 24 (5) of the Convention.

There is currently no publicly available evidence that the draft law has undergone textual amendments since it was first introduced. Information suggests that a later government-circulated draft, referred to in some sources as a “missing persons law,” shifted emphasis

¹² An English version of the draft law can be accessed on MENA Rights Group’s website: https://menarights.org/sites/default/files/2019-12/IRQ_Draft_EnforcedDisappearanceLaw_tbc_EN.pdf (accessed on 3 February 2026).

¹³ Iraqi News Agency, رئيس الوزراء: مجلس الوزراء وافق على مشروع قانون مكافحة الاختفاء القسري, 6 August 2023, available at: <https://ina.iq/ar/political/191000-.html> (accessed on 3 February 2026).

¹⁴ Al somariya, "حرية التعبير" يرفع لرئاسة البرلمان.. ماذا عن "الاختفاء القسري"؟, 31 October 2024, available at: <https://www.alsumaria.tv/news/politics/504925/> (accessed on 3 February 2026).

¹⁵ Shafaq News, "1" إهماله , يعود إلى البرلمان العراقي بعد عام من إهماله , February 2025, available at: <https://shafaq.com/ar/> (accessed on 5 February 2026).

¹⁶ See Article 129 of the Iraqi Constitution according to which: “Laws shall be published in the Official Gazette and shall take effect on the date of their publication, unless stipulated otherwise.” An English version of the Constitution is available at: <https://share.google/oN3w1Kr4UJdysOGWz> (accessed on 5 February 2026).

¹⁷ MENA Rights Group, *Iraqi draft laws on torture and enforced disappearances fall short of international human rights standards*, 11 December 2019, available at: <https://menarights.org/en/articles/iraqi-draft-laws-torture-and-enforced-disappearances-fall-short-international-human-rights> (accessed on 3 February 2026).

away from criminalising enforced disappearance as an autonomous offence and toward a more humanitarian and administrative framework focused on missing persons in general.¹⁸

UN documentation highlights ongoing confusion regarding the status and content of the draft before Parliament, with references to multiple versions circulating at different stages and no clear indication that a unified, revised text has been formally adopted or made public. This confusion is aggravated by the existence of other related bills such as the bill on missing and the project of reform of the criminal code.¹⁹

2.2 Lack of independence and inadequate institutional framework addressing enforced disappearance

2.2.1 Iraqi High Commission for Human Rights (IHCHR)

The Iraqi High Commission for Human Rights (IHCHR) is Iraq's national human rights institution created in 2008 through Law No. 53 of 2008.²⁰ In October 2024, the IHCHR lost its "A" status and was downgraded to a "B" status following a special review by the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI).²¹ The SCA concluded that the IHCHR partially complied with the Paris Principles and did not entirely uphold standards of independence and effectiveness.²² This represents a significant regression since the institution obtained A status in June 2021.

At the time of writing, the IHCHR still operates without a board of commissioners. The absence of commissioners severely limits the Commission's powers and affects its ability to address human rights violations, including enforced disappearance, respond to complaints, and review draft laws such as the draft law on the Protection of Persons against Enforced Disappearance.

In February 2023, a Committee of Experts was formed, tasked with selecting commissioners. However, according to MENA Rights Group's assessment, the Committee of Experts is largely controlled by political parties and includes representatives from parties implicated in human rights violations. One source consulted by MENA Rights Group stated that "although it is assumed that this committee includes a group of experts and specialists in human rights, the composition of the committee is designed to ensure the presence of commissioners affiliated with the main political forces in Parliament and government."²³

In 2025, the SCA confirmed the downgrading of the IHCHR to a "B" status and noted with concern that "the presence of the Minister of Justice as head of the institution since

¹⁸ Committee on Enforced Disappearance, *Statement of the UN Committee on Enforced Disappearance upon the conclusion of its visit to Iraq*, 24 November 2022, available at <https://docs.un.org/en/CED/C/IRQ/AI/2> (accessed on 5 February 2026).

¹⁹ *Ibid.*

²⁰ An official version of Law No. 58 of 2008 can be found here: <https://wiki.dorar-aliraq.net/iraqilaws/law/21048.html> (accessed on 3 February 2026).

²¹ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 14-18 October 2024, p. 54, available at: <https://www.ohchr.org/en/countries/nhri/global-alliance-national-human-rights-institutions-ganhri/session-reports-and-recommendations-sub-committee-accreditation> (accessed on 3 February 2026).

²² This finding was reiterated in October 2025 after considering additional submissions, see GANHRI, *Report and Recommendations of the 46th Session of the Sub-Committee on Accreditation (SCA)*, 20-30 October 2025, p. 43, available at: <https://www.ohchr.org/en/countries/nhri/global-alliance-national-human-rights-institutions-ganhri/session-reports-and-recommendations-sub-committee-accreditation> (accessed on 3 February 2026).

²³ MENA Rights Group, *2024 Report on the Iraqi High Commission for Human Rights*, 12 June 2024, available at: <https://menarights.org/en/documents/2024-report-iraqi-high-commission-human-rights> (accessed on 3 February 2026).

September 2023, does not distinguish the IHCHR from the Executive and that such a structure does not allow the IHCHR to be independent from the government in its decision-making and methods of operation”.²⁴

2.2.2 National Committee for Missing Persons

The National Committee for Missing Persons (NCMP) was created by Ministerial Order No. 199 on 31 January 2024 and is chaired by the Minister of Justice. The NCMP was established to coordinate all institutions concerned with determining the fate of missing persons.”²⁵ The National Committee includes members from the Popular Mobilisation Forces (PMF) whose members are suspected of being involved in numerous cases of enforced disappearances, including in the context of the 2019 Tishreen protests.²⁶ The PMF is listed as one of the institutional representatives within the NCMP’s organisation, entrusted with coordinating investigations about missing persons.²⁷

While the NCMP’s own documentation does not by itself recount cases, the Committee and international NGOs have explicitly documented that PMF-affiliated units were implicated in enforced disappearances cases in Iraq across two major contexts. During anti-ISIL operations, especially in areas retaken between 2014 and 2017, men and boys were reportedly detained at checkpoints or during security screenings by the PMF and subsequently transferred to unofficial places of detention, with authorities denying custody or providing no information on their whereabouts.²⁸ During and after the 2019 Tishreen protests, enforced disappearances affected protesters, activists, and critics abducted in public spaces by armed actors alleged to be affiliated with PMF factions, with reports that PMF members used lethal force and pursued a campaign of extrajudicial killings and enforced disappearance.²⁹

²⁴ MENA Rights Group, *Iraq’s National Human Rights Institution downgraded over ineffectiveness concerns*, 8 December 2025, available at: <https://menarights.org/en/articles/iraqs-national-human-rights-institution-downgraded-over-ineffectiveness-concerns> (accessed on 3 February 2026).

²⁵ International Commission for Missing persons, *Iraq Outlines Next Steps in Building the National Committee on Missing Persons and the Creation of a National Central Record*, 8 September 2024, available at: <https://icmp.int/news/iraq-outlines-next-steps-in-building-the-national-committee-on-missing-persons-and-the-creation-of-a-national-central-record/> (accessed on 3 February 2026).

²⁶ *Ibid.*; Amnesty International, *Five years after Tishreen protests, impunity reigns supreme in Iraq*, 30 September 2024, available at: <https://www.amnesty.org/en/latest/news/2024/09/iraq-five-years-after-tishreen-protests-impunity-reigns-supreme/> (accessed on 3 February 2026).

²⁷ International Commission for Missing persons, *Iraq Outlines Next Steps in Building the National Committee on Missing Persons and the Creation of a National Central Record*, 8 September 2024, available at: <https://icmp.int/news/iraq-outlines-next-steps-in-building-the-national-committee-on-missing-persons-and-the-creation-of-a-national-central-record/> (accessed on 3 February 2026). Agencies like the Internal Security Service, National Intelligence Service, and importantly the PMF’s Human Rights Directorate (هيئة الحشد الشعبي / مديرية حقوق الإنسان) are understood to feed information and provide database material into the NCMP processes, for more information you may refer to Iraq’s submission to the UN Working Group on Enforced Disappearance, *مساهمات في الدراسة المواضيعية*, المقابلة التي سيجريها الفريق العامل المعني بحالات الاختفاء القسري أو اللاطوعي 4 December 2024, available at https://www.ohchr.org/sites/default/files/documents/issues/disappearances/cfi/land-defense/subm-enforced-disappearances-context-sta-iraq.pdf?utm_source=chatgpt.com (accessed on 3 February 2026).

²⁸ Human Rights Watch, *“Life Without a Father is Meaningless”, Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, available at: <https://www.hrw.org/report/2018/09/27/life-without-father-meaningless-arbitrary-arrests-and-enforced-disappearances?> (accessed on 3 February 2026); Amnesty International, *643 Iraqi Men Disappeared Two Years Ago: Where Are They?*, 11 June 2018, available at: <https://www.amnesty.org/en/latest/campaigns/2017/06/643-iraqi-men-missing-for-a-whole-year/> (accessed on 3 February 2026); Working Group on Enforced or involuntary Disappearance, *General allegation, Iraq*, 11-15 May 2020, available at ://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-Iraq.pdf (accessed on 3 February 2026).

²⁹ Amnesty International, *Five years after Tishreen protests, impunity reigns supreme in Iraq*, 30 September 2024, available at: <https://www.amnesty.org/en/latest/news/2024/09/iraq-five-years-after-tishreen-protests-impunity-reigns-supreme/> (accessed on 3 February 2026).

3 Search, investigation, prosecution and prevention of enforced disappearance

Following the October 2019 Tishreen protests, activists and protesters continue to face enforced disappearance, judicial harassment, and persecution.³⁰ Rather than investigating past disappearances and holding perpetrators accountable, Iraqi authorities have intensified their crackdown on those who participated in the protests.

In September 2025, activist Yassin Majed Shehab, 25, was arrested after briefly coming out of hiding to visit his ill parents in Baghdad. He had participated in Tishreen protests and subsequently took part in demonstrations calling for justice for those killed and those who forcibly disappeared.³¹ The case of Sajjad al-Iraqi (also known as Sajjad al-Mishrifawi) remains emblematic of ongoing impunity. Abducted in September 2020 by militiamen in Thi Qar governorate, his fate and whereabouts remain unknown more than five years later.³² His family has been subjected to numerous threats after filing a court case against suspected perpetrators, forcing them to live in fear.³³

MENA Rights Group notably documented the enforced disappearances of two freelance photographers and one journalist covering the October 2019 protests.³⁴ As of May 2024, the Committee to Protect Journalists (CPJ) reported that the fate and whereabouts of at least nine journalists remain unknown.³⁵

Bassem al-Zaak, a freelance journalist and civil society activist, was abducted and disappeared in October 2021, presumably by PMF members, while livestreaming a sit-in in Baghdad protesting parliamentary election results.³⁶ Another journalist, Tawfiq al-Tamimi, editor for the government-affiliated daily Al-Sabah who had voiced support for the Tishreen protests, was

³⁰ MENA Rights Group, *Four years on, peaceful Iraqi protesters remain missing*, 2 October 2023, <https://menarights.org/en/articles/four-years-peaceful-iraqi-protesters-remain-missing> (accessed on 4 February 2026).

³¹ Amnesty International, *Iraq: Six years since Tishreen protests, activists persecuted and freedom of expression in peril*, 1 October 2025, available at: <https://www.amnesty.org/en/latest/news/2025/10/iraq-six-years-since-tishreen-protests-activists-persecuted-freedoms-in-peril/> (accessed on 4 February 2026).

³² Amnesty International, *Iraq: Four years after Tishreen protests, no justice for state and militia violence*, 27 September 2023, available at: <https://www.amnesty.org/en/latest/news/2023/09/iraq-four-years-after-tishreen-protests-no-justice-for-state-and-militia-violence/> (accessed on 4 February 2026).

³³ *Ibid.*

³⁴ MENA Rights Group, *Freelance photographer Zaid Al Bahadeily disappeared during demonstrations*, 13 December 2019, <https://menarights.org/en/caseprofile/freelance-photographer-zaid-al-bahadeily-disappeared-during-demonstrations> (accessed on 4 February 2026); MENA Rights Group, *Freelance photographer Osama Al Tamimi disappeared since January 2, 2020*, 21 January 2020, <https://menarights.org/en/caseprofile/freelance-photographer-osama-al-tamimi-disappeared-january-2-2020> (accessed on 4 February 2026); MENA Rights Group, *Freelance Journalist Basim Al Za'ak abducted while broadcasting protests and disappeared since October 2021*, 7 June 2022, <https://menarights.org/en/case/basm-mhmd-bd-allh-slman-alzak> (accessed on 4 February 2026).

³⁵ CPJ, *9 Journalists missing in Iraq between 2019 and 2024*, https://cpj.org/data/missing/?status=Missing&cc_fips%5B%5D=IZ&start_year=2019&end_year=2024&group_by=location (accessed on 4 February 2026).

³⁶ MENA Rights Group, *Freelance Journalist Basim Al Za'ak abducted while broadcasting protests and disappeared since October 2021*, 7 June 2022, <https://menarights.org/en/case/basm-mhmd-bd-allh-slman-alzak> (accessed on 4 February 2026); Amnesty International, *Irak : Les autorités doivent faire la lumière sur le sort réservé à un journaliste disparu : Bassem al Zaak*, 15 December 2023, <https://www.amnesty.org/fr/documents/mde14/7478/2023/fr/> (accessed on 4 February 2026).

abducted in March 2020 by unidentified gunmen and has remained forcibly disappeared since then.³⁷

4 State Party's cooperation with the Committee

MENA Rights Group has submitted hundreds of cases of enforced disappearances in Iraq under the Committee's urgent action procedure. In this context, MENA Rights Group engages in cases' follow up procedures, which notably entails receiving the replies provided by the Iraqi authorities to the Committee regarding recommendations to clarify the fate and whereabouts of the disappeared, and providing input and comments.

Through this work, MENA Rights Group has witnessed a number of issues relating to the content of the Iraqi authorities' replies, which we believe contribute to the lack of clarification of any of the disappearance cases we have documented.³⁸

In many instances, the replies provided by Iraqi authorities remain vague and fail to detail concrete steps to investigate the disappearance undertaken in compliance with the Convention or to address the Committee's specific recommendations. Authorities frequently limit their responses to generic statements indicating that the disappeared person could not be located, without describing searches conducted or institutions consulted. Such replies fall short of the State party's obligation to conduct prompt, thorough, independent, and effective investigations aimed at establishing the fate and whereabouts of the disappeared.

MENA Rights Group has also observed a recurrent pattern whereby authorities invoke alleged links between the disappeared person and terrorism or ISIS, or refer to the existence of arrest warrants without providing substantiated information. In practice, these references appear to function as implicit justifications for the continued disappearance rather than as elements of a genuine investigative process.³⁹ It is important to note that any real or perceived accusation of terrorism is irrelevant to the State party's non-derogable obligation under the Convention to clarify the fate and whereabouts of disappeared persons. Allegations of criminal conduct should not absolve the authorities of their duty to investigate enforced disappearance in accordance with international standards.

³⁷ MENA Rights Group, Iraqi journalist, Tawfiq Al Tamimi, abducted after criticising the government on social media, 7 April 2020, <https://menarights.org/en/caseprofile/iraqi-journalist-tawfiq-al-tamimi-abducted-after-criticising-government-social-media> (accessed on 4 February 2026); CPJ, Unknown gunmen abduct Iraqi journalist Tawfiq al-Tamimi in Baghdad, 17 March 2020, <https://cpj.org/2020/03/unknown-gunmen-abduct-iraqi-journalist-tawfiq-al-t/> (accessed on 4 February 2026).

³⁸ Most of our findings are corroborated by the Committee following its visit to Iraq in 2023. See, Committee on Enforced Disappearance, *International Convention for the Protection of All Persons from Enforced Disappearance: Visit to Iraq – Findings*, 19 April 2023, available at: https://digitallibrary.un.org/record/4032525/files/CED_C_IRQ_VR_1_%28Findings%29-EN.pdf (accessed on 4 February 2026).

³⁹ Amnesty International, "Punished for Da'esh's Crimes": Displaced Iraqis abused by militias and government forces, 10 October 2016, available at: https://www.ecoi.net/en/file/local/1089867/1226_1476859165_mde1449622016english.pdf (accessed on 4 February 2026). See also, Human Rights Watch, "Life Without a Father is Meaningless": Arbitrary Arrests and Enforced Disappearances in Iraq, 27 September 2018, available at: <https://www.hrw.org/report/2018/09/27/life-without-father-meaningless/arbitrary-arrests-and-enforced-disappearances> (accessed on 4 February 2026).

Another recurring issue concerns the authorities' practice of inviting families to consult large numbers of photographs of unidentified deceased persons held by forensic or medical institutions. In practice, families are often unable to travel due to financial constraints, geographic distance, or fear of reprisals, particularly where they wish to avoid being identified as the source of a complaint. Moreover, in all cases documented by MENA Rights Group where families have undertaken this process, no disappeared person has been identified. Instead, families report severe psychological distress and retraumatisation resulting from being exposed to graphic images without adequate support or follow-up, raising serious concerns about the appropriateness and humanity of this practice as a substitute for systematic investigative work.

Finally, the replies received by the Committee reveal a troubling lack of institutional coordination and capacity. MENA Rights Group has documented multiple instances where official responses contain incorrect names, inaccurate dates, or internally contradictory information across successive replies concerning the same case. Such inconsistencies further undermine the credibility of the authorities' responses and suggest the absence of a centralised, reliable system for handling disappearance cases, contributing to prolonged uncertainty for families and reinforcing patterns of impunity.

5 Conclusion and recommendations

This report demonstrates that enforced disappearance in Iraq persists as a widespread and ongoing violation due to the absence of an autonomous criminal offence, ineffective and politicised institutions, and entrenched impunity. To comply with the Convention, Iraq should urgently adopt legislation criminalising enforced disappearance in line with international standards, ensure the independence and effectiveness of institutions mandated to address disappearances, including by excluding actors implicated in violations from investigative and decision-making roles, guarantee fundamental procedural safeguards from the moment of arrest, and ensure prompt, impartial, and effective investigations leading to accountability, truth, and full reparations for victims and their families.

Recommendations:

- Adopt without delay legislation criminalising enforced disappearance as an autonomous offence, fully aligned with articles 2, 4, 6 and 24 of the Convention, including recognition of enforced disappearance as a crime against humanity when committed as part of a widespread or systematic practice and provision for comprehensive reparations to all victims.
- Ensure the independence, effectiveness, and impartiality of institutions mandated to address enforced disappearances, in particular by restoring the full independence of the Iraqi High Commission for Human Rights and guaranteeing that bodies involved in search and investigation, including the National Committee for Missing Persons, are free from political influence and conflicts of interest.
- Guarantee prompt, thorough, independent, and effective investigations into all allegations of enforced disappearance, ensuring that investigations are not suspended or closed solely because the alleged perpetrator is unidentified and that all lines of responsibility, including command responsibility, are systematically pursued.
- Strengthen procedural safeguards against enforced disappearance from the moment of deprivation of liberty, including immediate registration of all detainees in a centralised and accessible register, prompt access to legal counsel, family notification, judicial oversight of detention, and effective remedies against incommunicado and secret detention.

- provide detailed, case-specific, and victim-centred responses under the urgent action procedure, ensuring prompt, thorough, independent, and effective investigations to clarify the fate and whereabouts of disappeared persons, without relying on terrorism allegations, shifting the investigative burden onto families, or issuing inconsistent and unreliable information.

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.