**UPR-Info Pre-session briefing on Iraq**

**Geneva, 10 October 2019**

Today, I am speaking on behalf of MENA Rights Group, a Geneva-based legal advocacy NGO doing strategic litigation on behalf of victims of human rights violations and calling on human rights based legal and policy reforms in the Middle East & North Africa region.

1. **Enforced disappearances**

Iraq is the country with the highest number of enforced disappearances in the world, with estimates ranging from 250,000 to one million missing persons. Between 2014 and 2017, the Iraqi forces along with state-affiliated militias from the Popular Mobilisation Forces (PMF), disappeared thousands of individuals perceived to be affiliated with ISIL, including IDPs who were previously living in areas under ISIL control.

There are currently over 350 urgent actions pending before the UN Committee on Enforced Disappearances (CED): for most of them, the authorities have failed to provide any information on the fate and whereabouts of the victims.

Furthermore, Iraq has appeared in every annual report of the UNSG on reprisals since 2016: all cases were human rights defenders working on the issue of enforced disappearances.

We are concerned that during the last UPR, there was no recommendation made on the issue of enforced disappearance: as the practice remains prevalent to this day, we urge you to make the following recommendations:

* Urgently shed light on the fate and whereabouts of disappeared individuals, including by clarifying all urgent actions pending before the CED;
* Establish an independent commission of inquiry;
* Create an enabling environment for human rights defenders to carry out their work, including by ceasing all acts of reprisals.

1. **Human rights and counterterrorism**

In the context of post-ISIL reconstruction, it is of crucial importance that the following issues are addressed:

First, Iraq is the 5th country worldwide that carries out most executions. The vast majority of death sentences are handed out on the basis of the Anti-Terrorism Law, which contains overly broad and vague provisions and mandatorily applies the death penalty, including for crimes that do not meet the standards of the most serious crimes.

* States should recommend to:
  + Adopt a formal moratorium on the death penalty with a view towards its abolition;
  + Amend the Anti-Terrorism Law and put it in line with international human rights standards.

Second, as of 2018, there are at least 19,000 individuals held on suspicion of connections with ISIL. A number of mass executions of alleged ISIL members have been carried out following hasty trials during which confessions extracted under torture were admitted as the sole source of evidence. In April 2019, the UN Special Rapporteur Agnes Callamard called on Iraq to ensure that the prosecution of ISIL leadership is conducted in a transparent, fair and thorough manner, and includes the participation of victims in the legal process. In this regard, we must also highlight that the judiciary lacks independence and that court decisions are unduly influenced by the executive and public opinion, and that judges are pressured to hand out harsh punishments.

* States should recommend Iraq to:
  + Reform the judicial system to guarantee its neutrality and independence;
  + Ensure that due process guarantees and fair trial rights are upheld in all cases, including counterterrorism, and ensure victim participation.

Third, thousands of IDPs, remain *de facto* deprived of liberty due to real or perceived affiliation with ISIL as security forces confiscate their IDs upon arrival in camps. Many cannot obtain new documents as they have relatives whose names are in the lists of terrorist suspects. It is impossible for them to leave the camps and they cannot get jobs, have proper access to healthcare or education, and children of ISIL members end up stateless.

* States should recommend Iraq to :
  + Immediately halt the practice of confiscating the identity documents of individuals in IDP camps;
  + Establish mechanisms for the effective and full reintegration of individuals with perceived ISIL affiliations back into their communities.