

TRACK II – PROMOTION OF THE RIGHT TO KNOW THE FATE OF MISSING PERSONS

NOV 2020

Dialogue process

OCT 2021

Core Group Meeting - Draft of a law on the right to know the fate of the missing persons

DEC 2021

National Conference on the Fate of the Missing Persons

JAN – FEB 2022

Draft of the Law of the National Commission on Missing Persons

MAR 2022

Presentation of the law to the relevant ministries

APR – OCT 2022

Peer review workshops on the law

JAN – MAY 2023

Merging of “Law on the Right to Know the Fate of the Missing Persons” & “Law on the National Commission for Missing Persons” into «The Law on Missing Persons Affairs»

JUNE 2023

The law on the missing persons affairs

The draft legislation is currently pending final discussion and ratification by the parliament prior to its enactment



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Promotion of the Right to Know the Fate of Missing Persons

The issue of missing persons is a significant burden for Iraq and a barrier to reconciliation and social cohesion. CPI's mission contributed to a collective, national consensus on the 'right to know' their fate and whereabouts with the support of religious authorities (including the Najaf marja'iyah) and political actors, and development of a federal law and mechanism to give individuals the right to obtain information about their missing relatives. The project brought together clerics from various faiths, tribal leaders, International Humanitarian Law (IHL) experts, civil society, lawyers, and security services from across the country. The initial phase focused on establishing a common understanding and approach and led to the formation of a steering committee, a pivotal move for the project.

The steering committee engaged with IHL experts and the National Committee of IHL and centered discussions on the intricate concept of the 'right to know', exploring its legal foundations from both IHL and Islamic law perspectives. The objective was clear: to operationalize this right across governmental, religious, and civil society levels.

Strategically, the committee undertook to 1. conduct a comprehensive stock-taking study of governmental efforts regarding missing persons, 2. draft a proposed law on missing persons for parliamentary consideration, and 3. organize a national conference to further explore these issues.

The landmark National Conference in Najaf in December 2021 brought the issue of missing persons into the public domain and was attended by over 300 delegates, including government officials, religious and community leaders, and legal experts. It successfully culminated in the adoption of 13 robust recommendations and the submission of the draft "Law on the Right to Know the Truth for Victims of Disappearance" to the Iraqi Minister of Justice.

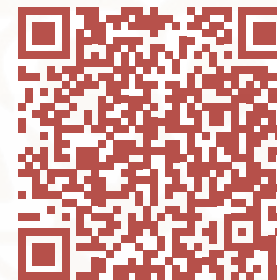
CPI then organized further expert meetings in Erbil, Baghdad, and Najaf to draft the "National Plan on the Right to Know", an "Implementation Strategy", and legislation which was refined in collaboration with the Ministry of Justice and subsequently amalgamated into a single, comprehensive law titled "The Law on Missing Persons Affairs". This law, embodying the collective wisdom and input from various stakeholders, now awaits the final parliamentary debate and approval.

In addition, the project focused on capacity building for 299 people, with specialized workshops for clerics, academics, and security forces, to deepen their understanding of the Islamic law of war and IHL in relation to missing persons. Moreover, recognizing the importance of ethical and effective communication with the families of missing persons, CPI organized Training of Trainers sessions for the Martyrs Foundation, designed to equip civilian officers with the skills necessary for conducting sensitive and neutral interviews.

The project also focused on community awareness and advocacy for the rights of missing persons. This was supported by scholarly work, including the development and peer review of papers providing a deeper insight into the issue from an Islamic perspective.

The Cordoba Peace Institute Geneva (CPI)

CPI-Geneva is an independent non-profit organisation, working on violence prevention and peace promotion. CPI aims to enhance theoretical and practical conflict transformation resources and has extensive experience in West Asian and African contexts. CPI promotes a methodology adapted to and accepted by local communities, conflict parties and peace actors. Since 2002, it has developed unique access and networks in the countries where it works. CPI's outlook is inspired by the Andalusian city of Cordoba: a renowned medieval centre of inter-faith dialogue, and by Geneva: a modern centre of international dialogue and exchange between peoples. CPI has Special Consultative Status with the United Nations.



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Conference in Najaf on "National Mechanisms to Know the Fate of the Missing: Challenges & Solutions" 17-18 December 2021



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