

FACTS ABOUT IRAQ AND LIBYA

ICMP in Iraq

Iraq is affected by very high numbers of missing persons. Estimates run from 250,000 to one million people missing from decades of conflict and human rights abuses. Today there are millions of relatives of the missing in Iraq who struggle with uncertainty surrounding the fate of a loved one. ICMP is working to help Iraq build the institutional capacity that will enable its citizens to address this issue.

ICMP staff first went to Iraq in 2003 to assess the provision of assistance, and began working with Iraqi institutions in 2005. It established an office in Baghdad in 2008 and in Erbil in 2010.

ICMP assisted in the development of the Law on the Protection of Mass Graves, which was created in 2005. The law provides a legal mechanism for locating missing persons, conducting excavations of mortal remains and identifying victims exhumed from mass graves. Under this law, the Ministry for Human Rights is designated to lead these efforts.

In 2012, ICMP signed an agreement with the four ministries engaged in addressing the missing persons' process: the Ministry for Human Rights, the Ministries of Health in Baghdad and Erbil and the Ministry of Martyrs and Anfal Affairs. In the preamble to this agreement the authorities recognize that families have a right to know the fate and whereabouts of their missing relatives, that uncertainty surrounding the fate of the missing is a continuing source of anguish and an obstacle to rebuilding civil society in Iraq, that the government has direct responsibility for efforts to locate and identify the missing, and that due to specific circumstances in Iraq an identification process led by DNA and complemented by other forensic methods is most appropriate. The agreement was geared towards building Iraq's institutional capacity to address the issue of missing persons transparently, regardless of sectarian or national origin.

As part of its program to help develop the technical capacity of Iraqi institutions and set in place a sustainable process of locating, recovering and identifying the missing, ICMP has trained more than 570 Iraqi professionals from the various institutions engaged in the process, from across sectarian and national lines, to work together in the investigation of missing persons cases. ICMP has introduced effective identification methodologies to Iraqi scientists including the use of DNA matching between recovered bone samples and blood samples given by surviving family members. This training, which takes place both in Iraq and at ICMP's headquarters in Sarajevo, includes basic DNA extraction, sequencing and amplification methodologies, and introduces the concept of high-throughput testing, which is vital to Iraq's ability to test and match the well over one million blood and bone samples authorities there will have to collect.

ICMP has also developed a network across Iraq of families of the missing who share experiences and information in order to contribute to the process of resolving the fate of loved ones, as well as contributing to the process of truth, justice and restitution.

ICMP has provided assistance to the Martyrs Foundation, and the Ministry of Martyrs and Anfal Affairs in Iraqi Kurdistan. This has included the formulation of policy initiatives to address the needs of the families of the missing and to create a technical plan to locate, recover and identify the

missing, while at the same time building the institutional and legal capacity necessary to make this process sustainable. In addition, ICMP has hosted exchange visits of family association members, as well as visits by representatives of the Ministry of Human Rights and the Ministry of Health to ICMP facilities in Bosnia and Herzegovina.

As part of its ongoing Civil Society Initiatives program, ICMP is working with key ministries to facilitate dialogue on missing persons issues between civil society and government institutions, and strengthen the capacities of victims' groups. As well as providing training, ICMP staff members attend excavations with the Iraqi authorities, where they provide advice and assistance and note additional training needs that are included in future advanced training courses. As a result of this partnership, the Iraqi authorities have conducted several successful excavations including one site where the excavation team recovered more than 1,000 sets of human remains.

ICMP in Libya

ICMP is assisting the Libyan government in accounting for as many as 10,000 persons who went missing during the conflict of 2011 and during the previous 42 years of Muammar Gaddafi's rule. Despite a deteriorating security situation, ICMP will continue its support for Libya.

In December 2011, the ICMP Director-General was invited to visit Libya and met with senior members of the government, including the minister of the newly formed Ministry for the Affairs of the Families of Martyrs and Missing (MFMM), which the National Transitional Council (NTC) had authorized to deal with the missing persons issue. Meetings were also held with NGOs, including the Libyan Society for Missing Persons (LSMP) and the Free Generation Movement (FGM), which runs a support center for families of those who went missing as a result of the 2011 revolution.

At the beginning of 2012, the General National Congress (formerly the NTC), the MFMM, and the Ministry for Foreign Affairs invited ICMP to propose a program of activities, and on 12 November 2012 an agreement on cooperation between ICMP and the Libyan government was signed.

Since then, ICMP has provided assistance to the Libyan government by implementing a training program in forensic archaeology and anthropology, crime-scene management and DNA reference sample collection, and it has helped the Libyan authorities establish a DNA laboratory. An interactive online missing persons search tool has been established which enables families to register missing persons and DNA reference donor contact information through the ICMP Online Inquiry Center, using the ICMP's customized Identification Database Management System (iDMS).

Cases that illustrate the diverse nature of the missing persons issue in Libya include that of Dr. Mansour Rashid Kikhia. A former Libyan Foreign Minister, Dr. Kikhia left the country after going into opposition and was abducted in Egypt in 1993. His body was found in Libya in 2012. ICMP provided assistance in matching DNA reference and bone samples, enabling a positive identification of Dr. Kikhia's remains.

Another case involved 11 bodies found in a Tripoli hospital mortuary refrigerator after the revolution. The bodies were believed to be those of individuals who were killed during and after an assassination attempt on Colonel Gaddafi: they had been in storage since 1984. When ICMP processed and analyzed the samples related to the Tripoli hospital bodies, no DNA matches between the bodies and the family members were found. However, this was not the end of the matter. In 2012 the Libyan authorities excavated a mass grave containing some 170 rebel fighters who had died in the 2011 conflict. Samples were taken from the bodies and blood reference samples were taken

from family members who believed relatives were among the dead. In testing the samples, ICMP was able to make 95 positive DNA matches – more than half of those recovered from the grave. In addition, ICMP found two positive matches between families who gave reference samples concerning the Bin Jawad mass grave and the remains examined and sampled in the Tripoli hospital mortuary refrigerator.

Efforts are now underway to gather information about other mass or clandestine gravesites, and the MFMM has launched a program to collect genetic reference samples. So far, with the assistance of ICMP, over 11,000 genetic reference samples have been collected from families of the missing, representing over 2,500 missing persons in Tripoli, Benghazi, Sabha, Ben Walid, Sirte, and other places. ICMP has been entrusted with 249 post-mortem samples and 1,325 ante-mortem samples from which it has been able to isolate DNA profiles with 100-percent success.

While considerable progress has been made in developing the technical capacity of the Libyan authorities, there are crucial gaps in the institutional and legal framework. Much still needs to be done in terms of clarifying inter-institutional responsibilities and legal obligations towards family members of the missing, especially in the context of human rights and the rule of law. A seminar organized by ICMP for Libya jurists in The Hague in February 2015 was part of a series of activities designed to assess and strengthen the role of the justice system in the issue of the missing, and to formulate specific recommendations for legal reform.