

## **ADDRESSING THE ISSUE OF MISSING PERSONS IN LIBYA AND IRAQ**

ICMP's engagement in Libya and Iraq has continued despite significant fluctuations in the political and security situation in both countries. Both countries are experiencing similar deficiencies in investigative and prosecutorial techniques when it comes to the search for missing persons, and ICMP has developed initiatives to address legal gaps in this field.

In both Libya and Iraq, due to a lack of harmonized laws, the jurisdiction of different institutions over crime scenes related to crimes against humanity and genocide is unclear, and, as is common in many countries confronting legacies of widespread human rights abuses, where the volume of cases can overwhelm limited administrative and investigative capacity, in Libya and Iraq there are cooperative deficits between relevant agencies. So, while it is important to support and strengthen regular law-enforcement operations, including capacities to conduct forensic investigations, there is a risk that missing persons cases can use up scarce specialized skills in the relevant disciplines. The absence of overall investigative capacities at the level of prosecutors and police can also create bottlenecks in the processing of forensic results from missing persons investigations.

With all of this in mind, ICMP launched a legislative reform initiative at the beginning of 2015 to provide an opportunity to disentangle the missing persons issue from regular forensic investigative work and to define clearly the resources required by each. Organizing seminars for lawyers and jurists from Libya and Iraq, ICMP sought to encourage a close examination of criminal procedures in the two countries, in particular on the use of forensic evidence in court-led processes regarding mass graves and missing persons.

ICMP believes that modest but highly focused initiatives such as this can prepare judicial and administrative institutions for constructive and effective intervention once the security environment permits a full resumption of operations in Libya and Iraq.