INTRODUCTION

Prepared by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), this report identifies over 200 mass graves in Iraq, one of the legacies of the so-called Islamic State of Iraq and the Levant’s (ISIL) relentless campaign of terror and violence between 2014 and 2017. The report supports victims’ families call for truth and justice in exposing and punishing ISIL’s crimes.

KEY MESSAGES

Ensuring the preservation and protection of mass graves.

Prioritizing a victim-centered approach with all appropriate measures undertaken to address the rights of victims to truth, justice and reparations.

Establishing a comprehensive transitional justice process.

At the time of publication, based on information from Iraqi authorities, UNAMI/OHCHR had documented:

202 MASS GRAVES SITES

THE LARGEST NUMBERS LOCATED IN THE GOVERNORATES OF:

<table>
<thead>
<tr>
<th>Governorate</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ninewa</td>
<td>95</td>
</tr>
<tr>
<td>Kirkuk</td>
<td>37</td>
</tr>
<tr>
<td>Salah al-Din</td>
<td>36</td>
</tr>
<tr>
<td>Anbar</td>
<td>24</td>
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</tbody>
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Current estimates provided to UNAMI/OHCHR range between 6,000–12,000 VICTIMS BURIED IN THESE SITES.

MASS GRAVES EXCAVATED TO DATE:

<table>
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<tr>
<th>Governorate</th>
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<tbody>
<tr>
<td>Salah al-Din</td>
<td>23</td>
</tr>
<tr>
<td>Diyala</td>
<td>4</td>
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<tr>
<td>Ninewa</td>
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In total, the remains of 1,258 BODIES HAVE BEEN EXHUMED from these sites by the Mass Graves Directorate.

It is critical that the integrity of mass grave sites be maintained as they potentially contain significant sources of evidence which can be used for criminal prosecutions.

VICTIMS INCLUDE:

- women
- children
- elderly and persons with disabilities
- members and former members of the Iraqi armed forces and police
- foreign workers

BACKGROUND

From the beginning of 2014 until the end 2017, UNAMI/OHCHR recorded AT LEAST 29,973 CIVILIANS KILLED and 55,150 CIVILIANS INJURED.

These figures should be considered an absolute minimum.

Although this report focuses on mass graves resulting from atrocities perpetrated from 2014-2017, mass graves have been present in Iraq before the rise of ISIL. In the 1980s and 1990s, Kurdish parties in the north, and Shiites in the south, challenged the authority of President Saddam Hussein resulting in a violent response, with many civilians killed and buried in mass graves.
UNDERTAKING ALL APPROPRIATE MEASURES REGARDING EXCAVATION, EXHUMATION AND IDENTIFICATION OF THOSE IN THE MASS GRAVES, BASED ON BEST PRACTICE, INCLUDING THE MEANINGFUL PROTECTION OF THESE SITES, WILL SERVE A BROADER OBLIGATION OF THE GOVERNMENT OF IRAQ TO ENSURE THE RIGHT TO TRUTH, JUSTICE AND REPARATION FOR THE FAMILIES OF THE DEAD AND MISSING, AND FOR ALL AFFECTED COMMUNITIES.

INTERNATIONAL LAW AND STANDARDS

The existence of mass graves gives rise to several obligations upon the Government of Iraq derived from international human rights law and international humanitarian law – both treaty and customary international law, as well as international criminal law. These obligations include, inter alia, a duty to:

- to investigate, prosecute and punish those accused of serious rights violations
- to search for and identify the dead
- to reveal to victims and society at large all known facts and circumstances of past violations and abuses
- to provide victims with appropriate reparations, including measures for restitution, compensation, rehabilitation and satisfaction
- to ensure repetition of such violations and abuses is prevented

NATIONAL LAW

In 2006, Iraq enacted Law No. 5 On the Protection of Mass Graves, which is dedicated to the protection of mass graves ‘that resulted from crimes committed by the past regime.’ This law was amended to expand the temporal jurisdiction to crimes committed after 2003 and to specify what the ‘protection, inspection and investigation’ of mass graves entails.

UNITED NATIONS GUIDANCE AND BEST PRACTICES

In 2010, the Advisory Committee of the United Nations Human Rights Council released a report on best practices on the issue of missing persons, providing guidance on exhumation, collection, transportation, storage and burial of the dead as well as mapping and preserving burial sites. Additional lessons from various field experiences suggest a critical requirement is the need to appoint a person or entity to be in overall charge of the exhumation, including the collection and examination of all evidence relating to the commission of crimes and the identification of victims. The primary goal of this person or entity should be to design and implement a fair and competent system for investigating mass grave sites. A flawed system could risk undermining subsequent efforts to effectively investigate related crimes and prosecute and punish perpetrators.

CHALLENGES IN IRAQ

Excavating the mass grave sites in Iraq will pose significant humanitarian, forensic and security-related challenges, including:

- Continued ISIL activity
- Presence of explosive hazards
- Identification of individuals
- Data gathered is not centralized and made accessible to families of the victims and missing
- For the government to act on persons reported missing, families must report to more than five separate State entities, a process that is both time-consuming and frustrating
CONCLUSIONS

Meaningful truth and justice for the victims of the conflict with ISIL and their families requires the appropriate protection, preservation, excavation and exhumation of the mass grave sites, and the identification of the remains and their return to the families.

Mass grave sites could potentially contain critical forensic material that may not only assist in the identification of victims’ remains, but also build an understanding around the scale of abuses and violations that occurred and support the process of determining whether the acts that led to these mass graves amount to war crimes, crimes against humanity or genocide.

RECOMMENDATIONS

UNAMI/OHCHR RECOMMENDS THAT
THE GOVERNMENT OF IRAQ:

- Ensure the preservation and protection of mass graves.
- Prioritize a victim-centered approach with all appropriate measures undertaken to address the rights of victims to truth, justice and reparations.
- Establish a comprehensive transitional justice process.

UNAMI/OHCHR RECOMMENDS THAT
THE INTERNATIONAL COMMUNITY:

- Provide capacity-building and technical support regarding the excavation, exhumation and identification of victims.