

## Role of Civil and International Organizations to Support Families of Missing Persons, Field Study in Anbar Governorate after 2014

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### Abstract

Societies have historically experienced a range of long-standing human rights violations during armed conflicts, wars, and military operations in societies, resulting in the loss of several persons and the issue of missing persons becoming an international issue. We will address in this chapter (the historical tracks of missing persons during the war era after 2014) as well as addressing constitutions, international charters, the role of civil society organizations and international organizations working to provide humanitarian assistance, and the role of local and international agencies working in the file of missing persons.

**Keywords:** social conditions, economic conditions, the family, the lost, the missing persons.

### Historical Framework for Missing Persons and International Conventions

#### *First: A historical overview of what missing persons*

The issue of the missing was ancient, although it differed in different eras. In the past, this issue was the result of several reasons, perhaps the most important of which are: wars, international or non-international armed conflicts, internal violence, or political conflicts, all of which lead to the disappearance of persons. Cases of missing persons spread in 1941, and its purpose was to arrest people in the Nazi-occupied territories who were threatening German security and make them disappear without a trace, and no information was provided to the families of the victims regarding their fate.<sup>1</sup>

As we find that the cases of missing persons took place during World War II, Hitler used a variety of terrorist tools to practice genocide against opponents in Europe, and this method was to create a state of permanent anxiety and intimidation among families, and this is what he explained in his letter, in which he said “Retaining a state of terror and fear can only be reached through the death penalty or taking action that the relatives of the missing are unaware of their fate<sup>2</sup>. The practice of disappearances during the era of national security was the ideology of the military dictatorships of Latin America in the late sixties and in Brazil and then in Guatemala during the seventies and early eighties of the last century, these practices were in several countries in this region, as well as Latin America, which recorded the largest

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<sup>1</sup> Hall C.k. Crimes against Humanity in the Rome statute of the international criminal Court: observer’s notes article by article second edition trifferer, o, (ed). C.H. Beck- Hart- nomes. 2008, P.221.

<sup>2</sup> Modhesh Muhammad Ahmed Abdullah Al-Maamari, Individual International Criminal Responsibility for Crimes Against Humanity, Modern University Office House, Egypt, 1st edition, 2014, p. 35.

number of cases of missing persons, as well as in Iraq, Sri Lanka, and the former Yugoslavia<sup>3</sup>. Amnesty International has classified the phenomenon of missing persons as a violation of human rights when a person is arrested, detained, or kidnapped by any armed group, and their whereabouts are concealed. In many cases, the persons who have disappeared have not been released and their fate is still unknown to their families.<sup>4</sup>

The loss of people came mainly from Latin American countries, most of which speak Spanish, to describe cases of abduction of political opponents, and to get rid of them without knowing their fate, by calling them "disappeared", whose fate no one knows<sup>5</sup>. The operations of losing people were not limited to Latin American countries alone, and it is not related to the well-known stage in the seventies of the twentieth century only, but rather it is a phenomenon known to many authoritarian and totalitarian regimes in the world much earlier. The issue of missing persons describes cases that occurred in Latin America, meaning that it is an old phenomenon and its name is relatively recent. There are many examples of the disappearance of persons that occurred before that in several countries of the world, such as what occurred in Germany, with thousands of missing persons. The disappearances of people have appeared most severely in the armed conflicts in the former Yugoslavia and Rwanda, as many individuals, including women and children, have disappeared and their fate has not been known, especially men, as these individuals are kidnapped and transferred to unknown places and detained in certain detention centers to obtain information. Certain or with intent to intimidate and intimidate, as it sometimes aims to cause certain behavior among individuals, as these individuals have a dependence on the state in which they live. Therefore, the process of disappearance of persons constitutes a threat to the security of the international community at the levels of human rights, its violation, and deprivation of all its constitutional rights. Therefore, the international community must activate laws to protect.<sup>6</sup>

Likewise, what happened in Algeria in 1957 during the war of liberation, when the French authorities gave the green light to the army to allow the practice of some behaviors and actions, even if they were contrary to international humanitarian law to eliminate the liberation revolution. Following the exacerbation of the phenomenon of missing persons, the left-wing French press intervened to expose it, especially after the disappearance of Maurice Audin<sup>7</sup>, who was arrested by the French security services. The subject (Audan's disappearance) received a lot of attention from the press, which made the French authorities embarrassed and harassed. To avoid discussing this issue, they pretended to establish an interest in the province of Algeria that would take it upon itself to follow up on the file of the missing in 1957. Among the things that this authority has created is the issuance of a publication dedicated to the interest of families searching for their missing persons, and the number of communications published through this publication, according to Teitgen's testimony, reached 3025 files of missing persons among the 24 thousand detainees who were arrested in the city of Algiers alone, while the mayor of the city of Algiers, Jacques Chevali, presented a number that exceeded this

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<sup>3</sup> Krause.C:Seheinin nowak .torture and en forced dis appearance in international protection of Human rights a textbook.(eds) turka.institute for humn rights aboakademi university, 2009, P.152.

<sup>4</sup> Amnesty International on the website

.Htti// [www.amnesty.org/en/enforced-disappearances](http://www.amnesty.org/en/enforced-disappearances).

<sup>5</sup> William Naguib, George Nassar, The Concept of Crimes Against Humanity in International Law, Center for Arab Unity Studies, Lebanon, 1st edition, 2008, p. 289.

<sup>6</sup> Adel Abdel-Aleem, Explanation of Kidnapping Crimes and Crimes of Arresting People Unjustly, House of Legal Books, Cairo, 2006, p. 39.

<sup>7</sup> (Maurice Audin) activist and anti-colonial, born in 1932 in Tunisia, French nationality, professor of mathematics at the University of Algiers, member of the Communist Party.

number when he estimated it to be about 5,000 missing persons.<sup>8</sup> Among the indications of the presence of the missing persons, and their spread in Algeria during the war of liberation is the formation of a governmental committee tasked with conducting investigations into the actions of the security services regarding the violation of individual freedoms and human rights. Morris Carson was one of its members, and he stated on this subject, saying: "There are many who were arrested and transferred to detention centers, and they did not appear again."<sup>9</sup>

In our current era, Iraq has witnessed battles and wars, and several international or non-international armed conflicts, the causes of which vary from time to time<sup>10</sup>. As a result, Iraq suffered the loss of large numbers. The ISIS era in Iraq left behind several thorny files, and it seems that the most complex of these files is the file of the missing Iraqis, who are in the thousands, most of whom are civilians who have been missing news for many years. Therefore, families of missing persons are under psychological stress due to the loss of loved ones as a result of conflicts, military operations, non-international armed conflicts, and major violations in several governorates. This file is still intertwined and takes on dimensions that go beyond the work of the judiciary and is waiting for political agreements to find a solution to reveal their fate, an official in the ministry told Al-Araby Al-Jadeed "The Ministry has reports of the disappearance of more than five thousand people, most of whom are civilians. There has been no news of them since the period that accompanied the entry of ISIS into Iraq in 2014 until today, indicating that the reports submitted by the families whose children disappeared from Mosul, Salah al-Din, Diyala, Kirkuk, and Anbar<sup>11</sup>. The International Committee of the Red Cross has announced that the issue of missing persons has become global and has been exacerbated by armed conflicts, violence, natural disasters, and migration. It has indicated that it is currently following about 145,000 cases all over the world and that hundreds of thousands of Iraqis are still missing after decades of war, conflict, and violence, noting that Iraq contains one of the largest numbers of missing persons in the world and that every Iraqi family has been accompanied by Psychological pain due to the loss of their loved ones. All of this happens because of situations of international or non-international armed conflict, and the issue of missing persons remains an international issue.<sup>12</sup>

### ***Second: International conventions and treaties for the protection of victims of missing persons***

The armed conflicts that took place in many countries of the world, which caused major violations of human rights, made it imperative for states to enact a law and put an end to these violations, especially after the Second World War and the United Nations Convention and the agreement to ban and resort to force in clashes, and the emergence of international law, which gave several names, including the law of war or humanitarian law, however, after the Geneva conference in 1945, in which the law of armed conflicts was approved, and this law focuses on

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<sup>8</sup> Zubair Rochd, The Phenomenon of the Algerian Missing during the Algerian War of Liberation 1957-1962, Journal of the Academy for Social and Human Studies, Hassiba Ben Bouali University in Chlef, Issue 21, 2019, p. 166.

<sup>9</sup> Zubair Rushd, previous source, p. 117.

<sup>10</sup> Dr. Ahmed Amin Selim, History of the Ancient Near East (Egypt, Iraq, Iran), Dar Al-Nahda Al-Arabiyyah for Publishing and Printing, Lebanon, Beirut, 1998, pg. 213.

<sup>11</sup> The missing Iraqis during the ISIS obstacle, everyone is accused of Al-Araby Al-Jadeed <https://www.Alaraby.vo.u>.

<sup>12</sup> The Red Cross Armed conflicts, violence, natural disasters and migration outweighed the issue of missing persons <https://www.Asip.cerisr.dz>

protecting people in the event of war, as well as protecting people during armed conflicts that have nothing to do with military operations.<sup>13</sup>

Humanitarian international law is the important and fundamental part of general international law that we find applicable in armed conflicts, which contains a set of customary and treaty principles and norms to which the conduct of combatants in armed conflict is subject when exercising their rights and duties recognized in these norms.<sup>14</sup>

International human rights law is a set of international legal norms that recognize several rights aimed at protecting individuals' freedom and dignity without discrimination and the necessary institutional guarantees for oversight.<sup>15</sup>

## **International human rights law is reflected in several issues, including**

### ***The Universal Declaration of Human Rights of 1948***

The Universal Declaration of Human Rights has issued and adopted a resolution of the United Nations General Assembly, which includes many provisions. This declaration was discussed in the first session of the United Nations General Assembly in 1946, and it was referred to the Economic and Social Council, which commissioned the Commission on Human Rights to prepare its final version<sup>16</sup>. The Universal Declaration of Human Rights included a description of the common ideal that all peoples and nations should reach, and it was stated in Article (1) that all people are born free and they are equal in rights and dignity, Article (2) stated that every person has the right to enjoy all rights and freedoms without discrimination, Article (3) every individual has the right to life, liberty, and security of his person, Article (5) states that no one may be subjected to torture, cruel or inhuman punishment, or degradation of dignity, Article (8) every person has the right to resort to the competent national courts for effective redress from any actions that violate the basic rights granted to him by the Constitution, and Article (9) it is not permissible to arbitrarily arrest, detain, arrest, detain or exile any person.<sup>17</sup> International law stipulates that civilians be respected during armed conflict and that those who violate these rights be punished. Therefore, we find that all persons who have disappeared as a result of armed conflict represent a violation of all human rights. Therefore, those who violate these rights stipulated in the Constitution and international humanitarian law must be punished. The most important thing that a person seeks in life is to obtain a safe place to live in, as a person's feeling of personal security, suffering in the body, a sense of stability, and enjoyment of freedom are among the things necessary for a person so that his life is not exposed to any kind of danger, and that is the issue of the missing, which has a great impact on the security of society and the safety of its members, especially if we know that the existing texts are no longer sufficient to achieve what is aimed at deterring those who

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<sup>13</sup> Khalil Ahmed Al-Obeidi, Protection of Civilians in Armed Conflicts in International Humanitarian Law and Islamic Law, PhD thesis (unpublished), Philosophy of International Humanitarian Law at St. International University, 2008, p. 22.

<sup>14</sup> Muhammad Alwan, International Human Rights Law, Dar Al Thaqa for Publishing and Distribution, 1st Edition, Amman, 5th Edition, 2014, p.6.

<sup>15</sup> Muhammad Jassim Muhammad Hammadi, The Role of International Non-Governmental Organizations in the Protection of Human Rights, New University House, Egypt, 2023, pp. 116-117.

<sup>16</sup> The Office of the United Nations High Commissioner for Human Rights, the main international human rights treaties, United Nations publications, New York, 2006, p. 3.

<sup>17</sup> Mazen Khalaf Nasser, Criminal Protection of Persons from Enforced Disappearance, Comparative Study, Arab Center House for Publishing and Distribution, Cairo, Egypt, 1st edition, 2017, p. 9.

dare to make people disappear<sup>18</sup>. Therefore, protecting individuals and ensuring freedom and personal security for them is evident from numerous texts that guarantee legal protection for these individuals from the increasing violations, whether kidnapping, disappearance, imprisonment and other violations that target specific groups of members of society from armed groups that aim to deprive individuals of their freedom.

The disappearance of people is a violation of human rights in accordance with internal constitutions and international covenants, as it denies a person the right to be recognized as a legal person, especially since his fate and whereabouts are unknown, and this is considered to be in a situation outside the legal scope. Therefore, this will deprive the person of exercising all the prescribed rights, especially the question of his unknown fate, so his relatives or his family will suffer from psychological conditions, and complete anxiety because of the conflicts that occurred in Iraq under any circumstances. As a result, it is necessary to respect human rights, which are constitutional rights<sup>19</sup>, the disappearance of persons due to armed conflicts deprives the disappeared person of his freedom and places him outside the scope of legal protection, which means depriving him of all forms of protection, including those intended to secure civil and political rights, as well as economic, social and cultural rights<sup>20</sup>. The right to life is a human right, insulting and undermining the dignity of people may lead to the deprivation of the human right to life, which is the right that preserves human life, as this right is considered one of the rights attached to the person and may not be violated in any way. The human right to life is immutable regardless of the position of the law on it<sup>21</sup>. The loss of people is a violation of human rights due to conflicts, conflicts, or military operations that took place during 2014, or the so-called al-Qaeda organization (ISIS) when it took control of the Sunni provinces. There is no doubt that this disappearance of people leaves the victim's family in a state of uncertainty about the fate of one of their children, which causes them psychological pain and suffering. The cases of missing persons have been classified as representing multiple violations of human rights such as the right to security and personal dignity, the right not to be subjected to torture or other cruel or inhumane treatment, the right to a fair trial, and the right to family life.<sup>22</sup>

### ***The International Covenant on Economic, Social, and Cultural Rights of 1966***

The preamble to this covenant was approved by the United Nations General Assembly on December 16, 1966. The States Parties to the present Covenant believe that all individuals have equal and inalienable rights in accordance with the principles proclaimed in the Charter of the United Nations. Therefore, it was decided that these rights stem from the original human dignity.<sup>23</sup>

The issue of missing persons is particularly complex, and it is difficult to discuss it in one article because it is a violation of human rights and this falls within the scope of human

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<sup>18</sup> Sherif Atlam, International Criminal Court, Constitutional and Legislative Harmonizations, Publications of the International Committee of the Red Cross, Beirut, 2005, p. 19.

<sup>19</sup> Saleh bin Abdullah Al-Rajhi, Human Rights and Fundamental Freedoms in Islamic Sharia and Positive Law, Obeikan Library, Saudi Arabia, 1st edition, 2004, p. 75.

<sup>20</sup> Ahmed Abu Al-Wafa, International Protection of Human Rights within the framework of the United Nations and the specialized international agencies, Dar Al-Nahda Al-Arabiya, Egypt, 3rd edition, 2008, p. 103.

<sup>21</sup> Orouba Jabbar Al-Khazraji, International Human Rights Law, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2nd edition, 2012, p. 247.

<sup>22</sup> Hall .C.K. Op.Cit, p.221.

<sup>23</sup> Office of the United Nations High Commissioner for Human Rights, previous source, p. 9.

rights, rights law, international criminal law, and international humanitarian law regarding the continuity and complexity that must be understood and confronted in an integrated manner. The Human Rights Committee has made it clear that any action that leads to such cases constitutes a violation of several international treaties.<sup>24</sup>

The International Covenant on Economic, Social, and Cultural Rights may include the corresponding rights mentioned in the Universal Declaration of Human Rights and deals with them in great detail, specifying the steps required for their full implementation. These rights are:<sup>25</sup>

1. The right to non-discrimination.
2. The right to work.
3. The right to just and favorable working conditions.
4. The right to have a union.
5. The right to social security.
6. The right to health.
7. The right to an adequate standard of living.
8. The right to education.
9. The right to participate in cultural life.
10. Protecting the family.

#### ***Geneva Convention 1949***

This agreement was signed on August 12, 1949, and it deals with civilians and their protection in the event of war. After the First World War, the international organization made many attempts aimed at prohibiting war in international relations. It seems that the Second World War, which witnessed harsh wars against civilians, therefore, it was the main motive for the development of international humanitarian law, and then the signing of the Geneva Convention of 1949, which is concerned with the protection of war victims and the humanitarian protection of civilians, which is referred to as the Fourth Geneva Convention, which is one of the four treaties, Article III of the Convention prohibits the following acts: assaults on life and physical integrity, especially murder in all its forms, mutilation, cruel treatment and torture (b), hostages (c), outrages on personal dignity, especially professional and dignified treatment<sup>26</sup>. It is always clear that the civilian population is the most vulnerable to the dangers of armed conflict, whether these conflicts are international or not, as we find that human history carries many horrors of wars left by many civilian victims who were lost as a result of those conflicts.<sup>27</sup>

#### ***International Convention for the Protection of All Persons from Enforced Disappearance of 2006***

It is an international document and the first global legally binding human rights instrument that deals with the issue of missing persons. It was preceded by the Declaration for the Protection of All Persons from Enforced Disappearance declared by the General Assembly

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<sup>24</sup> Rehman Javaid, *International Human Rights Law*, 2nd edition, Harlow, England and longman, 2010, p.800.

<sup>25</sup> Office of the High Commissioner, United Nations, Human Rights Treaty System, Fact Sheet No. 30, Rev. 1, United Nations Publications, New York, 2012, p. 9.

<sup>26</sup> The International Committee of the Red Cross, *Geneva Conventions of August 12, 1949*, Publications of the International Committee of the Red Cross, Cairo, 9th Edition, 2007, p. 184.

<sup>27</sup> Hamza Montaser Saeed, *Human Rights during Armed Conflicts, A Doctrinal Study in Light of the Provisions of International Humanitarian Law*, New University House, Alexandria, 2008, p. 125.

in its resolution (47/133) in 1992 and remains a valid reference for all countries because it constitutes a set of principles. The impetus behind the adoption of this convention is the persistent calls of the families of missing persons and non-governmental organizations around the world, which stressed the need to adopt a global treaty that would effectively prevent and eliminate this heinous practice. In 2003, the Human Rights Committee decided to draft a treaty, the negotiation process settled within three years, and an international convention for the protection of all persons from enforced disappearance was adopted in 2006.<sup>28</sup> Enforced disappearance is represented by the phenomenon of losing people and as a crime against humanity is one of the most serious crimes affecting human freedom and personal security, which is represented in detaining a person and depriving him of his freedom<sup>29</sup>. The States Parties to this Convention consider that the Charter of the United Nations imposes on States the obligation to promote universal and effective respect for human rights and fundamental freedoms, referring to the Declaration on the Protection of All Persons from Enforced Disappearance adopted by the United Nations General Assembly in its resolution 47/133 of December 18 The first 1992. Therefore, the severity and seriousness of the disappearance of persons, which today constitutes a crime, as defined by international law, is a crime against humanity. Therefore, such cases were prevented and the perpetrators of the crime of disappearance were combated, and it took into account the right of every person not to be subjected to the disappearance and the right of the victims to justice and compensation and affirmed the right to know the fate of the unknown missing.<sup>30</sup>

Human rights are one of the most important contemporary issues, as they are the support that contributes to strengthening the human rights of individuals and societies in various fields of life, whether economic or political or in circumstances of war, and conflicts. Conflicts between civilizations have existed since the inception of life on earth, and war, by its nature, was and still is characterized by brutality, as the main victim is all individuals.<sup>31</sup> The Republic of Iraq accedes to the International Convention for the Protection of All Persons from Enforced Disappearance adopted by the United Nations General Assembly in its Resolution No. 61/177 on 20/12/2006. For agreement, it was stated in the first part of Article (11) that no person may be subjected to enforced disappearance, and no exceptional circumstance, whether related to a critical situation, internal political instability, or any other exceptional case, may be invoked to justify enforced disappearance. In Article (2) of this Convention, what is meant by “disappearance” is the arrest, detention, abduction, or any form of deprivation of liberty at the hands of state officials, persons, or groups of individuals, and the concealment of the person or his whereabouts, which deprives him Law protection.<sup>32</sup>

After presenting the international conventions related to the protection of missing persons internationally, we present the most important laws regarding missing persons in Iraq. The issue of missing persons was dealt with by more than one law until Law No. 57 of 2005

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<sup>28</sup> HCHR Background to the International Convention for the Protection of All Persons from Enforced Disappearance. <https://www.ohchr.org/ar/treaty-bodies/ced/background-international-convention-protection-all-persons-enforced-disappearance>.

<sup>29</sup> Ashraf Tawfiq Shams al-Din, Criminal Protection of Personal Freedom from an Objective Point of View, A Comparative Study, Dar Al-Nahda Al-Arabiya, Cairo, 1st edition, 2007, p. 258.

<sup>30</sup> Office of the High Commissioner, United Nations, International Convention for the Protection of All Persons from Enforced Disappearance, General Assembly of the United Nations in its resolution 133/47 of December 18, 1922.

<sup>31</sup> Rana Ahmed Hijazi, International Humanitarian Law and its Role in Protecting Victims of Armed Conflicts, Dar Al-Manhal Al-Lebanese, 1st edition, Beirut, 2009, p. 13.

<sup>32</sup> Iraqi Gazette, No. 4185, Law of Accession, Republic of Iraq, to the International Convention for the Protection of All Persons from Enforced Disappearance No. (17) of 2009, 2010, p. 201.

on Compensation for Victims of War Operations, Military Errors, and Terrorist Operations enacted that the missing person's family was given a monthly salary for the first time during the period of loss. However, the matter is limited to one category of the missing, and they are the missing due to military and terrorist operations, while the loss is the result of a criminal act, which requires unified and general legislative treatment. Therefore, the issue of approving legislation is not limited to compensation or financial assistance, but rather extends to other aspects of legal, social, health, psychological, and educational assistance, which is what the family of the missing person is in dire need of. Conditions in Iraq and the loss of a significant number of missing persons left families without support and breadwinner because the majority of missing persons were men<sup>33</sup>. The Iraqi Civil Law No. (40) in 1951 included the basic foundation with regard to the issue of the missing. Article (36) of this law stipulated that if he is absent and it is not known whether he is alive or not, he is considered missing at the request of their relatives<sup>34</sup>. Article 86 of the Law on the Protection of Minors in Force No. 78 of 1980 stipulates that the missing person is the absentee whose news has been cut off and whose death or life is unknown<sup>35</sup>. According to the Iraqi penal legislation, it is not permissible to arrest or detain any person or restrict his freedom without an arrest warrant issued by a competent judicial authority. Otherwise, the violator will be punished based on the provisions of Article (421) of the Iraqi Penal Code<sup>36</sup>. The Constitution of the Republic of Iraq of 2005 stipulates several constitutional guarantees through the provisions of article 15 of the Constitution, which stipulates that everyone has the right to life, security, and freedom and that these rights may be deprived and restricted only in accordance with the law.<sup>37</sup>

## **The role of civil and international organizations to support the families of the missing**

### ***First: civil society organizations***

It is all voluntary organizations such as trade unions, federations, and social movements. These are non-governmental organizations and associations that express interest groups and emphasize the idea of public benefit. Also, they are voluntary organizations in which their members work to achieve common values and interests and find solutions for the families of the missing<sup>38</sup>. The majority of non-governmental organizations appeared after the war, as we find that wars have social and economic effects that leave them, particularly on society, so the family is affected by wars, so we find that these organizations play a positive role in addressing the deterioration of the humanitarian situation, especially in the field of supporting the families of the missing through the services provided them and the financial subsidy to ease the burden of the family. These organizations have taken their real role in supporting the families of the missing despite the conflicts and violations of human rights as a result of military operations. Therefore, these organizations had a distinguished role and the effort exerted to provide all their humanitarian services to the families, whether they were financial or other needs.<sup>39</sup>

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<sup>33</sup> Basair Ali Muhammad, A legal study on the missing, reviving the criminal justice machine, Journal of the College of Law for Humanities and Political Sciences, University of Kirkuk, College of Law and Political Sciences, Volume 9, Issue 32, 2020, p. 292.

<sup>34</sup> Article (36) of the Iraqi Civil Law No. (40) of 1951.

<sup>35</sup> Article (86) of the Iraqi Minors' Care Act in force No. (78) of 1980.

<sup>36</sup> Article (421) of the Iraqi Penal Code No. (111) of the year 1996.

<sup>37</sup> Article (15) of the effective constitution of the Republic of Iraq for the year 2005.

<sup>38</sup> Amani Kandil, The Arab Encyclopedia of Civil Society, The Egyptian General Book Authority, Cairo, 2008, p. 63.

<sup>39</sup> Muhammad Ahmad Barwari, House of Civil Society Organizations in Social Development, Zana Press, Iraq, Dohuk, 2007, pp. 48-49.



The provision of humanitarian assistance at a time of suffering and harsh conditions from one person towards his fellow man is a very old idea that was closely linked to the principles of religion and morals and then found its way into the rules of international law since the mid-nineteenth century. Humanitarian assistance is therefore all urgent actions to ensure the preservation of human life. These actions include material and vital assistance, which is essential for the civilian population, relief for the families of the missing, and alleviation of the harsh suffering. Countries and governmental and non-governmental organizations form the basis for providing humanitarian aid. After that, humanitarian aid developed and became a common practice in the international community<sup>40</sup>. Humanitarian aid is provided in times of emergency, including the protection of populations affected by military operations and from difficult and emergency conditions as a result of disasters and armed conflicts, as well as providing aid and financial aid to the families of the missing because of the harsh conditions that this group suffers from because of the loss of one of their relatives, whether this assistance is Food, medicine, or any other requirements that can help them, and alleviate the severity of the difficulties and suffering they face because of the circumstances that surrounded them as a result of the military operations. This assistance is provided in emergency conditions and is provided according to mechanisms and coordination between the concerned parties and aims to alleviate the suffering of the families of the missing.<sup>41</sup>

Humanitarian assistance is closely linked to the protection established in the rules of international humanitarian law for civilian populations affected by international or non-international armed conflicts or any acts of violence, through their dispossession with the basic materials they need. Thus, humanitarian assistance is subject to legal provisions that ensure the completion of this operation. The wars that took place in society are among the unnatural and exceptional cases or circumstances in the lives of civilians and have negative effects because they leave massive destruction and difficult and harsh suffering for the families of the missing. The provisions of the Fourth Geneva Convention of 1949 relating to humanitarian relief work reflect the concept of the right to humanitarian assistance for families affected by war<sup>42</sup>. Humanitarian work is one of the noble deeds that man offers to his fellow man and saves his life by helping him overcome the suffering he is exposed to as a result of difficult circumstances, and since humanitarian aid is one of the actions that are provided to the needy among the population affected by armed conflicts in which life becomes in great danger and then leaves grave effects on the family, families need the humanitarian assistance that is provided to them to alleviate the suffering.

### ***Youth volunteer organizations***

They are organizations where people work through voluntary work. They work voluntarily to assist others without earning a material profit and may seek to benefit<sup>43</sup>. Volunteer work is one of the activities used to participate in the upgrading of the status of society, and the promotion of social solidarity in it, and it is gaining great importance day after day. The United Nations Program believes that volunteer work is non-profit work that is not

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<sup>40</sup> Muhammad Abd al-Karim Salem al-Kinani, *The Impact of Non-International Armed Conflict on Humanitarian Work*, Modern University Office House, 2019, p. 80.

<sup>41</sup> Muhammad Abd al-Karim Salem al-Kinani, the same source, p. 89.

<sup>42</sup> Ibrahim Muhammad Al-Ani, *The International System in Facing Crises and Disasters*, Dar Al-Nahda Al-Arabiya, Egypt, Cairo, 3rd edition, 2017, p. 120.

<sup>43</sup> Ibrahim Muhammad Al-Ani, *The International System in Facing Crises and Disasters*, Dar Al-Nahda Al-Arabiya, Egypt, Cairo, 3rd edition, 2017, p. 120.

(2) Muhammad Hisham Abu Al-Qumbuz, *Renew Your Youth by Volunteering*, published research, first edition 2007, p. 1.

provided in exchange for a general wage, but rather it is professional work carried out by individuals to provide assistance and improve a decent standard of living for others, and we see that volunteer work is one of the good qualities that individuals carry out to assist in all aspects for the need of society, and this represents the individuals' sense of solidarity and responsibility. (2)

We find that the factor of volunteering and helping affected families means the mainstay of working in civil society institutions and it is an essential component in building trust and that volunteerism reflects the citizen's awareness and belonging in society and represents man's effort for his community without material reward for his efforts. These efforts by man are voluntary.

Therefore, youth volunteer teams are volunteer efforts that reflect a personal initiative stemming from ethical and social responsibility to help and support others in need of good time or effort without any business or profitable objectives. Likewise, the effort that a person makes in his society without waiting for a reward, intending to assume some responsibilities in the field of organized social work that aims to achieve human well-being based on voluntary opportunities that are available for the participation of citizens in voluntary and community efforts. Voluntary efforts that work to achieve the problems faced by society lead to an increase in people's satisfaction with their needs, as well as directing the volunteer towards prestigious social goals.<sup>44</sup>

### ***Saqlawiya Volunteer Team***

Voluntary social work is one of the most important means used to advance the status of societies in our current era, and voluntary work is gaining increasing importance day by day. Today, we find that organizations are unable to meet the needs of the needy. With the complexity of life conditions, social needs have increased and are in constant change. Therefore, there must be another entity parallel to the government agencies, so we find that volunteer work reflects the individual's awareness of his role and importance in building his society, and this constitutes the essence of his belonging to this society. This team was established in 2017, and the official of this team at its beginning was a civil activist, then he established this team to help the families of the missing and the needy in general. This team consisted of (15) people, including (10) boys and (5) girls, two of whom were missing sons<sup>45</sup>. This team is registered with civil society organizations, but it is not affiliated with any political party. The funding of this team is approved by all the people of the province, whether at home or abroad, and it generally constitutes a humanitarian service for the families of the missing. This team did not rely only on assisting, but rather includes the distribution of financial aid, food aid, and providing children with clothes, in addition to other services, including treatments that are provided to patients, and the distribution of aid is done verbally without any public interest, but it is provided to the most in need of assistance. This team has collected a sum of money amounting to (20) million Iraqi dinars to perform a kidney failure operation for one of the affected families whose standard of living does not meet the need for it. This team has ensured the collection of the amount for him to perform the surgery. The team official spoke: Some families are not able to complete the missing person's treatment because the Shari'a Qassam requires a financial sum of one million Iraqi dinars in case the family is unable to

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<sup>44</sup> Nizar Abdel Sada Nassar, The Role of Civil Society Organizations in Social Development. Exploratory study at Wasit University, College of Arts, Lark Journal of Philosophy, Linguistics and Social Sciences, Issue 6, Sixth Year, 2014, previous p. 12, p. 12.

<sup>45</sup> An interview with the official of the Saqlawiya volunteer team, Ali Al-Sharifi, 6/20/2022.

(1) An interview with the official of the Saqlawiya volunteer team, Ali Al-Sharifi, 6/20/2022.

provide the financial amount. The work and efforts of this team were not limited to the families of the missing only but also included all the needy and affected families, but mainly the families of the missing. It has been mentioned that aid is distributed to needy families, meaning that families who have a retirement salary and children who work as freelancers, in contrast to families who do not have a breadwinner or a pension, and whose children are not allowed to work. In this case, aid is distributed to her, whether it is a food basket or financial aid. Today, we see that volunteer work in Iraqi society is one of the most important positives in our society during the last five years. These actions went beyond helping the families of the poor and the needy, especially the families of the missing, who are considered the most affected group than others, especially in the cities and villages that were subjected to military operations during the catastrophe of the invasion of terrorist groups (ISIS) and the negative effects that had on the family. The efforts of this team are great efforts for the help and assistance it provided to the families of the missing, these efforts are always continuing, and the work of this team is based on the idea of good work that a group of people does to assist others at present. (1)

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