The international cooperation has a great role in reducing the phenomenon of crime in general and the crime of enforced disappearance in particular because this cooperation contributes in one way or another in finding the most appropriate ways for combating, therefore some international conventions came to stipulate the principle of cooperation in the area of combating some crimes that have dangerous effects.

Those equity considerations and the requirements of legal logic must contribute to each country in the adoption of legislation to what requires the most appropriate ways to combat crimes and this could constitute the legal basis to the international cooperation. This cooperation embodies in the framework of the international legislations as well as the internal legislations and this came in multiple images all of them contribute in achieving international cooperation to combat the crime of enforced disappearance.

1.1 The Definition of international cooperation in combating the crime of enforced disappearance
In general, the term international: it is used as a real need to define the formal rations between the states([3]).

In general, the essence of the concept of the international cooperation does not differ in terminology from the linguistic meaning to the concept of (cooperation), where the majority of scholarly attempt to define the international cooperation on a primary axis, represented in exchanging aid and assistance to achieve mutual common benefit to those countries.

Therefore, it is defined by some as "the process that ensure the shift loyalties and political activities of political forces in several different states towards a new center, for its institutions powers that is beyond the powers of the existing nation-states" ([4]), it is also defined as "the solidarity of states and wrapping around a common interests and a mutual benefits which is always seeking to protect her. This solidarity is in a material moral assistance and takes an image of a moral and a legal obligation. People seek to respect and abide it before each other, especially towards the people and the weak and poor states" ([5]).

It is also defined as "exchanging the aid and assistance and connected the joint efforts between two states or more, to achieve a benefit or a common service at the international, regional, or internal level for participating states" ([6]).

1.1.2 The Definition of international cooperation in the criminal law
The international cooperation is criminally Defined as "a bilateral involvement between two or among several states in the unification of judicial proceedings such as criminal evidence or testimony and the exchange of information, legal assistance, and other similar actions including other collaborative arrangements that agreed between the parties concerned that aimed at the execution of the criminal judgments" ([7]).

Although the expansion of the scope of the international economic relations and what happened to the multiplicity and diversity of appearances and images of the political relation between states, and the consequent of significant and clear implications on crime in general. However, the territorial limits of the states still plays an important role in determining the scope of the application of the provisions of national criminal legislations, both substantive and procedural. On one hand, the penal law of the state applied on everything located on their territory from crimes as a general rule –including the crime of enforced disappearance --whether the offender or the victim is a citizen or a foreigner and whether the crime resulted in prejudice to the interests of the state or undermining the interests of a foreign state ([8]).

On the other hand, the scope of application of the procedural law of the states limited on the territory of this state. So the jurisdiction organs may not exercise the conduct of investigation and evidence collection or preliminary investigation in the territory of another state.
We will display these aspects to the importance of the international cooperation in response to considerations of justice and individualization requirements. The mere issuance of these provisions means the achievement of this goal, since it already requires the implementation of these provisions. Since then, the considerations of deterrence are achieved by his pictures, public and private. It follows the requirements of justice and the hearts of those which crime obtained them of assault calmed.[10].

However, it may occur in a few cases an offender commits a criminal behavior in the territory of a particular state and then he will be able to escape before the implementation of the judgment of conviction to another state, and the latter in turn refrain from extradition to the requesting state, on the basis of non-availability of some terms of delivery, and it may even refrain from his trial, on the basis that the crime has not been committed on her territory or it is not affected on her essential interests or it is not subjected to criminalization in accordance with the provisions of its internal law or to be issued a penalty of forfeiture of the defendant that are in another states that this provision cannot be performed without interference by the authorities ([11]).

In these cases, the judgment of conviction for allegedly compromising the sovereignty of this state cannot be executed sorealistically crime remains unpunished on some get hurt doing justice and collapse deemed equality subject to sentence convicted and sentenced helped him to escape([12]), and then some states become a haven for criminals and out law and lead to a weakening of the community’s ability to combat crime.

The cooperation between states in the criminal area is one of the required necessities to face criminality in a different way. In particular, the organized it ([13]) and its effects is not limited to the territory of a particular state but crossing to the territory of other states and the efforts of states is individual in combating this crime that have a limited feasibility, so it become necessary to achieve effective confrontation, by combining all the states in order to combat crime and reduce their impact([14]).

Based on the foregoing, the states sent- achieving a common international interests-many ways in the area the international criminal cooperation, these aspects of cooperation has been reflected clearly in the stages of criminalization and prosecution([15]).

In the stage of criminality, the international cooperation began clearly in the conclusion of numerous, regional, and collective conventions that criminalizing many of the illegal activities which is not only adverse effects on a particular state but also to the territory of multiple states and the movement of active contributors from one state to another such as the convention of the United States in the area of exchanging judicial assistance, especially transnational crimes. The statistics still indicate a marked increase in the rates of perpetra-

mptoms of witnesses, the testimony of experts, the exchange of evidence, and international letters rogatory, this cooperation also extends to the implementation of foreign penal provisions ([23]) which is the right response equity considerations and the requirements of legislative or judicial individualization of the penalty of deprivation of liberty, the recognition of these provisions is devoted in the states which the convention is legislated. It is one of the important principles that is required by the rules of justice and equity which is the principles of inadmissibility of the person's trial for the same crime twice, and which is expressed by (the negative impact of penal sentence) ([24]) and if some people do not recognize this cooperation in the different stages of the process to the different countries and the executions of the crime in one state to another([25]), although this opinion will led to waste justice and fairness considerations which refuses to prosecute the person or punished him twice for the same act, and we can respond to this extreme view that the human society is the plaintiff in this lawsuit, especially that there is a common moral principles and social systems between all states([26]), so the state when practices its right in the prevention area of the crime of enforced disappearance takes an image of security and police international cooperation in combating this Crime through the exchange of information among police in the concerned states and create channels of communication for this cooperation such as the establishment of the international criminal police organization (Interpol) ([21]) or regional policing devices (Al-Airbol) and the adoption of a mechanism of liaison officers and joint inference teams consisting of police officers from different countries and the uses of modern technology such as cross-border surveillance system by satellite ([22]).

The international cooperation in the area of combating the crime of enforced disappearance takes an image of mutual legal assistance between countries that aimed at early detection of the crime and the prosecution of perpetrators and accomplices and face the consequent effects through the exchange of information, the evidences, hearing witnesses and experts, and international letters rotatoria, if the perpetrator does not commit the act of enforced disappearance in a state and he managed to escape before the trial or after a judgment of conviction and before the implementation of the sentence to another state, it would be liable for arrest and surrender to the state which the Crime was committed on its territory, or the state that her courts issued guilty verdict for the implementation of the sentence.

There is no doubt that they will hold the offender to think twice in the matter of this Crime before committing it, but it may make him to abstain completely from the behavior for this crime.

1.2.3 The equity considerations and the requirements of the individualization of punishment

The images of international cooperation are manifold in combating the crime of enforced disappearance, apart from cooperation in the field of hearing the testimony of experts, the testimony of witnesses, the exchange of evidence, and international letters rogatory, this cooperation also extends to the implementation of foreign penal provisions ([23]) which is the right response equity considerations and the requirements of legislative or judicial individualization of the penalty of deprivation of liberty, the recognition of these provisions is devoted in the states which the convention is legislated. It is one of the important principles that is required by the rules of justice and equity which is the principles of inadmissibility of the person's trial for the same crime twice, and which is expressed by (the negative impact of penal sentence) ([24]) and if some people do not recognize this cooperation in the different stages of the process to the different countries and the executions of the crime in one state to another([25]), although this opinion will led to waste justice and fairness considerations which refuses to prosecute the person or punished him twice for the same act, and we can respond to this extreme view that the human society is the plaintiff in this lawsuit, especially that there is a common moral principles and social systems between all states([26]), so the state when practices its right in the prevention area of the crime of enforced disappearance, it does not do any act from the acts of criminal protection only for her self-interest ([27]), but it protects a common international interest, so that it is not permissible for any other country to return practiced it again about the same person for the same incident of enforced disappearance.
Research Paper

On the other hand, the international cooperation responds in the area of transfer of sentenced persons to other states of deprivation of liberty— as only one of the international legal cooperation in combating the crime of enforced disappearance - with the requirements of the legislative and judicial individualization of execution of the sentence (28), it assumes this image of forms of international cooperation that we are about the person sentenced to deprivation of liberty for the crime of enforced disappearance in a state party to the convention of international protection of persons from enforced disappearance, and that there is a desire to display or to the state of convention or to the state to which he belongs sentenced to be transferred to the latter to implement or complete the implementation of this sentence, given the difficulty of communicating with other guests or with those in charge of the implementation of the rehabilitation and reform programs within the penal institution because of language barriers or a different religion and social customs and cultural variation, leading to the injury of the convict in a state of psychological loss.

In addition, the implementation of negative punishment for freedom in a foreign country could lead to the denial of many aspects of social care with in penal institution, where it is difficult for him to communicate with the members of his family because it takes so exorbitant expenses that may not be available in many cases, and virtually he receives no messages from his family and friends, and that might lead him to hit from the isolation that increase the harshness of the sentence (29), and then the basic purpose of this sentence is not achieved and it represented by reforming the convict and rehabilitation, but it can be considered to some extent a form of discrimination in punitive treatment of convicts in the same negative punishment for freedom, he must implement this punishment in the natural environment of the sentenced person that is closed to his family so as to achieve the purposes of this punishment, particularly the reform of the convict and rehabilitation (30).

It is clear from the above, the crime of enforced disappearance represents a threat not only for the national interest but also to the international and the entire humanitarian community which requires the commitment of each country to cooperate with others to protect this common international interest, especially since the political and economic situations vary from one state to another. There is a common social and ethical principle among all states which require the face of this inhumane crime by creating a legal framework an international one which prevent the enforcement of principle of cooperation among states in combating the crime of enforced disappearance of persons.

Perhaps it was confirmed explicitly by the international covenants on enforced disappearance by urging the states to take the necessary measures to criminalize this dangerous behavior in the framework of its internal laws and punishes on it, as well as the activation of the principle of complementarity between national and international justice representatives by the international criminal court. As this integration ensures the achievement of a great deal of convergence between the internal legal rules and the international legal rules relating to the criminalization of enforced disappearance and punishes on it.

2. The legal basis to the international cooperation in combating crime of enforced disappearance

The legal basis for international cooperation in general means the source or the legal text which regulates the photos of this cooperation, whatever the source is, whether this declaration or international convention or internal legislation, and whether this cooperation between states or this cooperation was between and one of the international criminal courts, particularly the international criminal court, the areas of this cooperation varied in combating the crime of enforced disappearance such as security or legal or judicial or what is called (the mutual legal assistance in criminal matters) (31).

To find out the truth of this matter, we will display the legal basis to the international cooperation in combating the crime of enforced disappearance in the international charters and the internal legislations that have a relation with the cases of enforced disappearance, both in a separate demand as follows:

2.1 The legal basis in the international legislations

Since 1993, the human rights commission and human right council which left behind on the adoption of resolutions on a regular basis which called on all governments to take appropriate steps or other security, legislative and judicial steps to prevent the crime of enforced disappearance and the punishment on it and they take the necessary measures for this purpose on the internal and regional level and in cooperation with the United Nations (32). The international cooperation is divided from its nature to three pictures. We will show them in three branches and the detail follows:

2.1.1 The international security cooperation

In addition to the important role played by the international criminal police organization (Interpol) in the promotion of security and policing of international cooperation in combating crime of enforced disappearance, there are other forms of such cooperation, provided for in many international conventions on cases of enforced disappearance, for example the universal Declaration on the protection of persons from enforced disappearance, and the American convention on the protection from enforced disappearance, as they both ruled that states put accurate information in the form of photos of their place or the place of the person including transfers movement from one place to another, within the reach of the messages of their family or their lawyers or anyone else who has an interest in this information (33), that persons cannot did not express adverse to the contrary (34).

As the state must retain a centralized official records that constantly updated the cases of all deprived persons and their liberty in place and the information contained therein are placed within the reach of people or judicial authority or any other authority and national competent and independent, licensed to do so in accordance with the internal legislation of the state, or any other international legal instrument (35).

As for the international convention the Protection of persons from enforced disappearance, as well as, it included the type of information to be recorded in those records, including at least: A-the identity of the person deprived of his liberty. B- The date, time, and place of deprivation of liberty, and the authority that depriving him of his liberty. C- The authority that ordered the deprivation of liberty and the reasons for it. D- The authority which monitors the deprivation of liberty E-the place of deprivation of liberty and the date and time of admission to the place of deprivation of liberty and the responsible authority for a deprivation of liberty. F- The relevant elements of health of the person deprived of liberty. G- in case of death during the deprivation of liberty, the statement of the circumstances and causes of death and the destination of the remains of deceased. H- the date and time of release or transfer to another place of detention, and the place where he was transferred to and the responsible authority for the transfer (36), conscious of the international community to the suffering of the victims of enforced disappearances from the effects of stress and grief during the long deprivation of liberty committed in universal Declaration of 1992 and the international convention on the Protection of persons from enforced disappearance of 2006 the states to take the necessary steps for the release of any of the persons deprived of their liberty in away that allows to verify reliably that he already was released measures and that moreover has been released under conditions that ensure respect for physical integrity and ability to exercise their full rights (37), to exercise without prejudice to the obligations that may subject under the national law (38).

It is worth noting that the international convention on the Protection of persons from enforced disappearance –attention appreciated in dealing with the prohibition of the use of personal information for purposes other than the search for the disappeared, including the medical data of the person or genetic which gathered or transmitted within the framework of the search for a disappeared person shall not prejudice the use of such information in criminal proceedings relating to a crime of enforced disappearance or the exercise of the right to obtain compensation provided they address the causes of such information or use it, or hold it to the violation of human rights and fundamental freedoms (39).

In order to ensure the protection of all involved in the investigation of cases of enforced disappearance, including the complainant, the lawyer, and the witnesses, as well as participating in the investigation. The international declaration and the international convention on the Protection from enforced disappearance make it compulsory need to take the necessary measures to ensure their protection from any ill- treatment or intimidation or retaliation because of the complaint or any evidence given (40).

It also allows them to build their request access to the results of the investigation unless doing so would jeopardize the ongoing investigation (41).

The importance of the declaration and the convention that mentioned above, in that they indicated explicitly to the obligation to take necessary measures to prevent the actions that would disrupt the course of the investigation procedures and ensure punishment by appropriate penalties to ensure that the inability of the accused of the crime of enforced disappearance of influencing the course of investigation, pressure or implementation of acts of intimidation or vengeance, exercised the right involved in the investigation (42).

The international declaration on the protection from enforced disappearance acquires a special significance, it is the only international document that dealt with two things that are very important, first- the need to take into account the relevant authorities in the country when taken to the decision to grant asylum to someone or refusing the question of the existence of grounds for believing that the person has participated in acts of enforced disappearance, whatever the motives on it (43). And second – they must stop the persons alleged to have committed those acts for the performance of any official duties during the investigation in these works.

Those who put the American convention on enforced disappearance must signal to this in a special text, so we hope that they can be added to the text in this content to adopt the American convention on the deprivation of liberty in place and the convention that are related with the cases of enforced disappearance and the proposed formula in all of these articles is as follows:

First- (the competent authorities of the state should take into account when making the decision to grant asylum to someone or refusing to question the existence
of grounds for believing that the person has participated in high-risk businesses that are related to the enforced disappearance)

Second- (the acts that constituting an enforced disappearance are not consid-
ered committed in the course of performance of military duties and therefore the persons alleged to have committed acts of enforced disappearance must be stopped from any official duties during the investigation of the crime).

2.1.2 The international legal cooperation

The international covenants that are concerned with the enforced disappearance are extremely keen to oblige states to ensure that internal legislations- without prej-
duce to its international obligations-regulation rules in the field of deprivation of liberty that determine the staff that have a licence in issuing the orders of depriva-
tion of liberty and the circumstances under may issue such orders and sanctions against employees who refuse without legal justification to provide information on depriving someone of his liberty with the imposition of strict control over all staff assigned to carry out arrest on persons, their arrest, detention, placed them in custody, transfer them, and their imprisonment, also it guarantees the exercise of such control on other employees who are authorized by law to use force and firearms ([44]). Persisting in ensuring optimal protection for people from acts of enforced disappearance. Each state party as part of its internal legislations must ensure that any person deprived of his liberty except in a recognized place offi-
cially and is subject to control([45]) and to ensure obtaining the permission to contact his family or his lawyer or any other person of his choice and to receive their visit which is subjected to the conditions set forth in the law and to facilitate the arrival of each authority or institution under the law to places of detention when necessary, without the need for prior authorization of the judicial authority, while ensuring the right of every person having a legitimate interest such as rela-
tives to be informed during the appeal before the court decides on the legality of depriving the victim of his liberty and order his release if such depriva-
tion of liberty is illegal ([46]).

In support of the efforts in combating the cases of enforced disappearance, the state party ensures that each of the claims or has knowledge or a legitimate inter-
est that a person has been a victim of enforced disappearance and he has the right to inform the competent facts authorities, which in turn carries out a swift investi-
gation and a full and impartial investigation into his complaint and when it has reasonable grounds to believe that an enforced disappearance has been commit-
ted, the concerned state instructs those powers to make this investigation and has not filed a formal complaint and what the powers of her position to compel the attendance of the witnesses and to provide relevant documents and move imme-
diately to preview sites ([47]).

The states parties are also required to refer both found in territory under its juris-
diction accused of enforced disappearance to the competent authorities in that state, to establish and direct the criminal case, and judged on him whether the results of the official investigation so warrant unless it is handed over to another country wishing to exercise its mandate in accordance with the international con-
ventions that are applicable in this area ([48]) or has been referred to another state in accordance with its international obligations or submit it to a recognized jurisdiction of an international criminal court ([49]).

To avoid the possibilities to circumvent the laws and legislations in force in the territories of the state's parties to refrain from providing any legal assistance to the victims of enforced disappearance or their families or their legal representa-
tives each party shall take necessary measures to prevent the denial of the right of judicial appeal to obtain information relating to the disappearance of the victims and deprive them of their liberty or prejudice measures and the obligation to record all cases of deprivation of liberty or record any information the employee is responsible for the official registration or official files on the knowledge that it was false or should have known that it was false, as well as the refusal to provide information on the situation of deprivation of liberty or the provision of inaccu-
rate information at a time when the legal conditions to the request for this infor-
mation available ([50]).

And whether the provisions contained in international covenants on the cases of enforced disappearance applied to adult men and women, it included some provi-
sions for children or protect them from all aspects of the illicit exploitation, in order to enable the child to have a happy childhood, that enjoy the rights and free-
domes contained in the agreements and conventions on the protection of children, the states parties committed in maintaining the best interest of the abducted chil-
dren from the children of parents who have been subjected to enforced disap-
pearance, or who were born during their mother enforced disappearance to nul-
lify as this will arise disputes to enforce this behavior which is internationally outlawed, especially in the countries that recognize the system of adoption, and it is committed to criminalize any case grab for these children, or fraud, conceal-
ment or destruction of documents at testing to their true identity, and their identi-
fication, and handed them over to their original families, in accordance with the legal procedures contained in international conventions and conventions. States states should conclude when appropriate bilateral or multilateral agreements for such purposes ([51]).

2.1.3 The international judicial cooperation

In order to ensure the procedural protection of persons from enforced disappear-
ance, each state party must be obliged to take legal measures to prevent and termi-
nate acts of enforced disappearance in any territory under its jurisdiction([42]), the approval of competence and the consolidation of the judicial authority in the issues being dealt with in accordance with specific standards, which are: A-
If the crime is committed in any territory under its jurisdiction([53]) or on planes or ships registered in this state ([54]). B- If the alleged offender is a national. C- If the diplomat person or a foreigner who has been expelled from the territory of the ordinary criminal court, particularly since the perpetrators mostly of military commanders ([57]), as this convention does not exclude any criminal jurisdiction exercised in accor-
dance with the national laws ([58]). The authors of the mentioned convention did well when they exclude this entry, because of the status held by the perpetrator or the victim, and it does not allow most of the military penal legislations in the world including, the Iraqi military penal legislation to refer to their cases to the ordinary criminal courts, but it should be considered before the military courts or the internal security forces courts.

The international charters, the American convention, and the international con-
vention concerning with enforced disappearance have paid special attention to extradi-
ion ([59]) as the most prominent images of the international judicial coop-
eration in combating the enforced disappearance and the most effective. The extradi-
ion means the state gives up for someone that is on its territory to another country upon her request to stand trial for a punishable crime by law, or to carry out the sentence that is issued by the courts, whether it is done under the interna-
tional convention –bilateral, regional, or collective- or under the internal legal texts or according to the principle of reciprocity ([60]).

For the purposes of extradition between the states parties to the conventions, the crime of enforced disappearance is not considered a political crime ([61]) or a crime connected with a political crime, or a crime inspired by political motives, and then it may not be applicable to reject a request for extradition based on such a crime ([62]).

The states parties also undertake to enter the crime of enforced disappearance –a crime had to delivery- in any extradition treaty between them in the future ([63]).

With the growing threat of enforced disappearance at the regional and the interna-
tional levels, any state party can put the condition of delivery to the treaty on the requirement list and it has received a request for extradition from another state that has no extradition treaty with this state. These conventions are considered the legal basis for extradition in respect of the crime of enforced disappearance ([64]) and it is not incumbent on the state party in response to a request for extradition from another state party if she had built on reasonable grounds believe that the purpose of the prosecution of the person or punishment due to reasons related to gender, race, religion, nationality, political opinion, membership of a group particular social or meet this demand will cause –without doubt- in harm to that person ([65]).

It is not allowed to the state party to expel, return, or extradite a person to any state where there are substantial reasons to let the belief that he would be at risk of enforced disappearance ([66]). So the judicial assistance –the extradition- is sub-
jected to the specified conditions in the internal law of the state party to which the requested applicable treaties on judicial assistance, including the reasons upon which the state party which is asked to deliver, the refusal to provide judicial assistance or subject to conditions ([67]).

The delivery gets to multiple requests from several countries and including another request that is presented from the international criminal court of extradition the same person, because of the same behavior -the crime of enforced disappear-
ance- then the situation does not go out for one of the two things:

1. If the state submitted a request for cooperation is party to the statute for the international criminal court the court has already decided to admissibility of a case, or began in the investigation or prosecution and the court take into account the work of the investigation or prosecution con-
ducted by the requesting state with regard to the extradition request submit-
ted to them ([68]).

2. If the state submitted a request for extradition is not a party to the statute for the intentional criminal court. The requested state to which the application for extradition delivered to the court that they have considered the ad-
imissibility of the case were not constrained by this state execute the request of the requesting state under an international obligation ([69]), as the interna-
tional treaty or bilateral or collective or between them was recognized in pre-
vious cases on the basis of reciprocity, if the court were not decided the admissibility of the request, the state party in tradition to consider the
requests to take into account the precedence in the request for extradition. If there is no agreement on the cases of enforced disappearance, to conduct final investigation on them down to the issue of governance, there are obstacles that may prevent doing the necessary investigation and survey the evidences on the case, in this case, the court may be based on the assignment of another court or another judge to direct the necessary measures to pass a verdict in the lawsuit ([70]). It may require the issuance of arrest warrants for the culprits involving committing acts of enforced disappearance, in such a case, the court may by those under its jurisdiction to ask the states to be found in its territory on the supposed perpetrator of this crime arrested.

Hence the importance of the international convention on the protection from enforced disappearance, since receiving the responsibility of states

Parties to both of them to undertake another greatest measure of mutual legal assistance in criminal investigation or proceedings related to the crime of enforced disappearance, including the supply of all evidences at their disposal, which are necessary for the proceeding([71]).

The judicial assistance is not limited to the states parties in the international convention on the protection from enforced disappearance, but the states parties should cooperate in the Rome statute of the intentional criminal court which is not a party to the mentioned convention in that cooperating with the mentioned court in accordance with their internal laws and the basic rules of the court in determining the identity and whereabouts of persons – the defendants who committed the crime of enforced disappearance and the gathering of evidences, including the testimony of witnesses after carrying out their right and bring them to court. In the question, the accused person being investigated and to facilitate the voluntary appearance of persons as witnesses or experts before the court and the examination of places or sites, including the examination and the examination of grave sites, and execute the orders searches and seizures and the protection of victims and witnesses and the preservation of evidences and any other type of assistance that is not prohibited by the law of the requested state that request for judicial assistance ([72]).

2.2 The legal basis to the international cooperation in the internal legislations

The comparative legislations are coincided of each of Uruguay, Argentina, Germany, and Spain to regulate the legal provisions on international cooperation on international crimes stipulated in the Rome statute of the intentional criminal court in the special laws that organized extradition for these crimes – including the crime of enforced disappearance of persons and the cooperation in the field of judicial assistance between states parties, as well as the cooperation to help the victims of these crimes ([73]), but the Iraqi legislation did not come with special provisions concerning the crimes that set forth in article (1/first) of the supreme Iraqi criminal court then the provisions contained in the assets of the Iraqi criminal procedure law ([74]) must be applied and we will show that in the three branches as the following detail:

2.2.1 The cooperation on extradition

According to the concept of violating the provisions of article (21/third) of the Iraqi constitution in force, which stipulates that "The political refugee may not be delivered to foreign body or forcefully returned him to the country from which he fled…" ([75]). So the enforced disappearance – the rule of law – is considered one of the requirements for the extradition crimes, although there is no specific provision in the Iraqi penal law that defines the bases, the descriptions, and the punishment of the crime.

However, for the purposes of extradition between the states, the enforced disappearance is not considered a political crime or a crime connected with a political crime, or a crime inspired by political motives. Thus, Iraq as a party in the international convention on the protection from enforced disappearance of 2006, it is obliged to hand over those involved in this crime of actors and partners to the requested party for prosecution, as well as the case whether they committed crimes within the territory of the state of Iraq and fled before or after the issuance of penal provisions against them, so the state or states that found them in their provisions shall be bound to hand them over to the Iraqi side, and whether they are party to the convention or even if they were not a party, they are bound by this convention on extradition that this convention is a legal binding basis on those non-state party which in accordance with the provisions of article (134) of the international convention on the protection from enforced disappearance which stipulates that "Each state party may be a delivery which depends on the existence of a treaty that may consider this convention when it receives a request for extradition from other countries that do not have a treaty as the legal basis for extradition in respect of the crime of enforced disappearance", based on the provisions of article (21/third) of the Iraqi constitution in force, which stipulates that "The right to political asylum is not granted to those accused of committing international or terrorist crimes or to anyone who has caused Iraq harm."

So the person accused of committing a crime of enforced disappearance does not have the right to political asylum.

As long as they are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

In this trend is the legislator in Uruguay, where article (4/5) of cooperation with the International Criminal Court Act that "The offenses are not classified in this law, political crimes or common crimes linked to political crimes, or crimes subject suppressed for political purposes", the same law also states in article (6) of the law that "It does in any way may be granted asylum if there are reasons to account that the person concerned, classified committed a crime in this law, even if it meets all the conditions required for the purposes of asylum".

It is thus clear that the forced disappearance does not fall into the category of political crimes that prevent the delivery, even if bilateral and multilateral extradition agreements that are based to refuse extradition or make it subject to certain conditions, which constitute obstacles is appropriate for the delivery of active and passive ([76]). Subjecting respond to requests for extradition for political considerations or risk extradition of nationals or dual criminality or considered involuntary disappearances and the crime of a political crime, military or not to re-trial in another country even if it is the first trial flawed or unfair or recognition of the claims official immunity from prosecution to enforced disappearance or statutes of limitations or risk handing the beneficiary of a general amnesty or special.

Under article (357 / A / 1) of the assets of the Iraqi Code of Criminal Procedure Select legislator minimum penalty due for delivery is imprisonment or imprisonment for not less than two years or any more severe penalty or sentenced in the courts of the State requesting extradition imprisonment or a term not less than six months. In application of the provisions of the Supreme Iraqi Criminal Law pursuant to the provisions (24 / First) of Court Law No. (10) for the year 2005 the penalty for the crime of kidnapping is imprisonment if the abducted female prison term of up to fifteen years if male and increased the duration of arrest or attachment or deprivation of liberty fifteen days.

While passed a passive delivery Spanish in 1941 extradition law grants with respect to actions that provided for in the laws of Spain or party owner of the laws of the extradition request on the penalty or security measure at least a year or acts more serious or when demand imprisonment or relating to security measure not less duration of four months in respect of the offenses set forth in Spanish law.

The International Cooperation law Argentine number (26200) for 2007 was passed in the article (12) of delivery if the crimes - including enforced disappearances - requiring the minimum penalty equivalent to half of the total minimum and maximum penalty of any at least a year or six months if it was recognized for their execution of the sentence.

And take over Uruguay in the context of the fight against enforced disappearances particular importance to the principle of non-refoulement, has secured its law's provisions of the American Convention on Human Rights ([77]), Stipulating Article (228) of the International Cooperation Law Auguart number (15737) for the year 2001 as " It may be expelled foreign or bring him back in any way to his own whether it originally belonged to that country when it is his right to life or personal liberty vulnerable to abuse because of their ethnic or national affiliation or because of religious or social status or political opinion", as well as in German law, no one can be expelled to anyone who has caused harm.

And take over Uruguay in the context of the fight against enforced disappearances particular importance to the principle of non-refoulement, has secured its law's provisions of the American Convention on Human Rights ([77]), Stipulating Article (228) of the International Cooperation Law Auguart number (15737) for the year 2001 as " It may be expelled foreign or bring him back in any way to his own whether it originally belonged to that country when it is his right to life or personal liberty vulnerable to abuse because of their ethnic or national affiliation or because of religious or social status or political opinion", as well as in German law, no one can be expelled to anyone who has caused harm.
proceedings or in the prisons of the country of destination. As well as article (60) of the General Security Act, which generally prohibits deportations where there is risk of exposure on foreign grave danger threatening his life or physical integrity or liberty which is the usual elements of enforced disappearances ([78]).

In Iraq, the Iraqi legislature prohibits refoulement is also subject to the provisions of article (4/1) of the Iraqi political asylum Law No. (51) of 1971, which stipulates that “It prohibits the delivery of a refugee to his country in any way….”, and makes it permissible As stipulated in article (14) of the Iraqi establishment of foreign law No. 118 of 1978, which stipulates that “Governors of neighboring provinces and the Director-General in other provinces to order taking out foreign entering Iraqi territory illegally” ([79]).

As well as taking the legislator Spanish principles of permissible delivery especially in the passage of the rule to ensure that the right to be heard and in the participation of the courts and the public prosecution service in accordance with the provisions of article (6) of passive extradition law because the freedom of people in such trials be at risk.

It is thus clear that States parties should apply the non-refoulment guarantee to all detainees in its prisons; it should also ensure that the fact that the main criterions in the prohibition of refoulement is effective control over the individual if the effectiveness of the control of the individual state changed to another shall be applied danger.

2.2.2 The cooperation in providing judicial assistance
Regulates international judicial assistance measures - letters rogatory – ([80]) in Iraq, the Iraqi Criminal Procedure Code, Have stated in article – (353) on the measures that letters rogatory “If you would like a foreign country to take measures to investigate the crime by the judicial authorities in Iraq, They must send a request through diplomatic channels to the Ministry of Justice, The demand must be accompanied by a full statement on the circumstances of the crime and the prosecution evidence in legal texts applicable to them and determine an accurate description of the actions”

And on the special rules to deal with requests for judicial Permissibility, article (354) of the assets of the Iraqi Criminal Procedure law provides that “If it is considered the Justice Department that the application is compliant legal conditions, And on the special rules to deal with requests for judicial Permissibility, article (354) of the assets of the Iraqi Criminal Procedure law provides that "If it is considered the Justice Department that the application is compliant legal conditions, and that its implementation does not violate public order in Iraq, It referred to the investigating judge, who is carrying out the action in his area for the completion of the procedure required and may be a representative of the student of agency State when done. b-The Ministry of Justice to request the representative of the State requesting the deposit of an appropriate amount of agency for the account of witnesses and experts fees and fees imposed on securities and other expenses. C-If required doing the procedure, the judge papers submitted to the Ministry of Justice, to be sent to the foreign State”.

As for the measures letters rogatory requests article stipulates (355) that "If the Iraqi judicial authorities asked made on behalf of the judicial authorities in another country to take a particular action presents the demand for the Ministry of Justice, and it shall be judicial action that has been under this of agency with the legal effect of which it is to him if it was by the judicial authorities in Iraq”.

2.2.3 The cooperation in helping the victims of enforced disappearance
It included article 15 of the International Convention for the Protection from Enforced Disappearance two commitments ([81]): first- Of which have to be on the States parties to cooperate with each other to help the victims of enforced disappearance in obtaining compensation in civil suits. The second of which should help the victims in the search for missing persons and determine their whereabouts and release, and in the case of death bring out the bodies and identifying them and returning their remains. In many cases it is not only the reform of law and practice, but may require modification of bilateral or multilateral treaties in force mutual legal assistance or to join such treaties.

For the second commitment, Uruguay has been successfully used means of international cooperation in the search for the remains of the victims and determine their identities. It ago the General Secretariat emanating from the "Committee for the Assessment of Peace " to make strenuous efforts to determine the whereabouts of the remains of the victims with the help of the Argentine side of anthropology legitimate demand, a non-governmental body concrete result of these actions, the Federal Council Argentina’s request for the transfer of the great structures of the eight unidentified persons to Argentina to conduct tests in order to determine the identities of their owners. General Secretariat as also cooperates extensively with the judiciary in relation to psychological, social and material needs of the families of the disappeared authorities ([82])

In Spain being now and since 2012 to prepare a draft law on determining the status of the victims, which includes the victim in its broadest sense and in accordance with Article (24/1) of the International Convention for the Protection of enforced disappearance with the rights of victims census based on the characteristics of the crime and gravity of and the appraisal of his personal and family and international cooperation in this the field ([83]).

In Iraq, the government is working and since 1991 through the Tripartite Commission, which includes three sides: "Iraq - the first party and both the United Kingdom and France and the United States of America, Kuwait and Saudi Arabia- The second party, the International Committee of the Red Cross- the third party", to resolve the missing file and missing Kuwaitis in Iraq has been able through its Sub-Committee of the resolution of files (241) Kuwaiti missing in Iraq in total (608). The Iraqi side the transfer of the remains of Kuwaitis from Iraq since 2003. From a number of sites they have been tested in laboratories in the State of Kuwait and determine the fate of 241 cases, including the remains as belonging to Kuwaitis. As the relevant organizations working in the field of defense for the issues of Anfal prisoners politicians and that she was working in the Kurdistan region of Iraq since the uprising of the people of Kurdistan in 1991, the return remains of Anfal to their homeland and place of birth and compensation for the victims and address their parents of physically and psychologically patients in the inside or outside of Iraq ([84]).

And that we believe that what was passed legislation at the domestic level as a basis for international cooperation in the fight against enforced disappearances and its effects were not successful to some extent to the presence of obstacles stand to achieving the objectives of this cooperation comes in the forefront of the lack of a unified model of the activity rules component of the offense of enforced disappearance of persons be the basis for a claim to extradition. What is criminal in this description as well as a system may not be in another system and cannot get rid of this dilemma but claim the States Parties to update its legislation in line with the provisions of the International Convention on the Protection from Enforced Disappearance of 2006.

As The other difficulty in the field of judicial assistance in slowing the requested State in a reply either because of lack of trained staff or as a result of language difficulties or procedural differences which are held to respond, and to reduce this difficulty has to be the expansion of direct contact between competent in the eyes of authorities such requests to eliminate channels on the problem and the complexity of the delivery of agency requests.

Conclusion
After studying the international cooperation in combating the crime of enforced disappearance, this study showed the following results and suggestions:

1. The international cooperation is represented in the form of material or moral assistance or moral commitment between two states or more to achieve the shared benefits between those states.

2. The international cooperation in criminal area embodies in the consolidation of the judicial procedures of various forms and exchanging the legal assistance with a view to the implementation of the penal provisions.

3. The international cooperation in the criminal area is considered one of the required necessities for confronting crimes because its effects are not limited to a specified state but became including another states. The matter that requires concerted the international efforts to achieve the common interests.

4. It represents the first international cooperation in the areas of criminalization through the conclusion of several international and regional conventions which criminalize illegal acts and extends its effects for other countries, and the second in the field of judicial assistance.

5. That international cooperation to achieve some sort of rapprochement between the domestic criminal legislation of States in criminal matters, which represented a response to considerations of justice.

6. Embody the international cooperation in the fight against crime of enforced disappearance that each State formulate national legislation Negotiable flexible manner to the case of the recognition of foreign criminal verdicts or remove contraindications extradition.

7. Take international cooperation in the prevention of crime of enforced disappearance image security cooperation as well as exchange of information between police services for the early detection and prosecution of crime.

8. In order to comply with each country to international cooperation to combat the crime of enforced disappearance with many other countries must find an international legal framework enshrines the principle of cooperation, because this crime poses a threat not only to the national interest, but also to the international community.

9. Embodied the legal basis for international cooperation in the fight against crime of enforced disappearance legal provisions that regulate this cooperation, whether domestic legislation or international agreements.

10. It was on the authors of the American Convention on enforced disappearance, as well as on Enforced Disappearances International Convention to take into account the following that has added to Article ( 5/6 ) and ( 9/2 ) of the two conventions and be proposed formula in both articles as follows
(First: to the competent authorities in the country to take into account when making the decision to grant asylum to someone or refusing to question the existence of grounds for believing that the person has participated in high-risk business on enforced disappearance. Second is not considered acts constituting enforced disappearance it had made in the course of the performance of military duties and should therefore stop the persons alleged to have committed acts of enforced disappearance from any official duties during the investigation of the crime).

11. The delivery of Custodian of the most important images of international judicial cooperation in the fight against crime of enforced disappearance has an active role because it is the responsibility of the States as the biggest parties of the judicial aid.

12. Iraq is a party to the International Convention on the Protection of enforced disappearances in 2006 and then be obliged to hand over suspects in the crime of enforced disappearance or hand them over to the Iraqi authorities because this agreement is a legal basis for this obligation.

13. Failure to identify a unified model of criminal activity component of the crime of enforced disappearance, as well as a slowdown in the countries of legal aid were not suited to the achievement of international cooperation at the domestic level, which requires the cooperation of States, particularly the competent authorities of each country so as to achieve greater effectiveness in the field of cooperation.

REFERENCES

First: Books

4. Dr. Aladdin Shehata, The international cooperation in combating the crime, Cairo, 2000.
6. Dr. Ammartaiseerbegbog, The international cooperation in combating terrorism, PhD thesis, Faculty of Law- Cairo University, 2011.
8. Boras Abdul-Qadir, The theory limited sovereignty in the concept of right or duty of humanitarian intervention, Master thesis, Faculty of Law- saadHalab University, Algeria, 2005.
10. Dr. Ammar Taiseerbegbog, The international cooperation in combating terrorism, PhD thesis, Faculty of Law- Cairo University, 2011, p.2.
11. Dr. Sherefsaeedkamel, Organized crime, what it is- her images- and the impact of her trends, Naif Arab University for security sciences, College of Higher Studies, Department of criminal justice, Riyadh, 2011, p.9.
12. Dr. Mohamed Al-Fadhel, an earlier source, p.51, Dr. Omar salem, an earlier source, p.2.
16. Dr. Fawzia Abdul Satur, The principles of the criminality and punishment sciences, Dar University for publication, Cairo, 2007.
Research Paper

(231) Dr. Hassaneen Ibrahim Saleh, The international cooperation combating crime, Journ-
al of Law and economic, the second issue, 1984, p.3.


(233) Article (10/2) of the universal Declaration of the Protection of persons from enforced disapp-
pearance, Article (12) of the American convention on enforced disappearance.

(234) Article (10) of the universal Declaration of the Protection of persons from enforced disap-
pearance.

(235) Article (10/3) of the universal Declaration of the Protection of persons from enforced disap-
pearance.

(236) Article (17/3) of the international convention of the Protection from enforced disap-
ppearance.

(237) Article (11) of the universal Declaration of the Protection of persons from enforced disap-
pearance, Article (21) of the international convention of the Protection from enforced disap-
ppearance.

(238) Article (21) of the international convention of the Protection from enforced disap-
ppearance.

(239) Article (19/1, 2) of the international convention of the Protection from enforced disap-
ppearance.

(240) Article (13/3) of the universal Declaration of the Protection of persons from enforced disap-
ppearance, Article (21) of the international convention of the Protection from enforced disap-
ppearance.

(241) Article (13/4) of the universal Declaration of the Protection of persons from enforced disap-
ppearance.

(242) Article (13/5) of the universal Declaration of the Protection from enforced disappear-
ance, Article (12/4) of the international convention of the Protection from enforced disappear-
ance.

(243) Article (15) and Article (16/1) of the universal Declaration of the Protection from enforced disap-
ppearance.

(244) Article (12/1, 2) of the universal Declaration of the Protection from enforced disap-
ppearance.


(246) Article (17/2) of the international convention of the Protection from enforced disap-
ppearance.

(247) Article (13/1, 2) of the universal Declaration of the Protection of persons from enforced disappear-
ance, Article (12/1) of the international convention of the Protection from enforced disappear-
ance.

(248) Article (14) of the universal Declaration of the Protection of persons from enforced disappear-
ance, Article (4) of the American convention on enforced disappearance, Article (11/1) of the international convention of the Protection from enforced disappear-
ance.

(249) Article (11/1) of the international convention of the Protection from enforced disappear-
ance.

(250) Article(22) of the international convention of the Protection from enforced disappear-
ance.

(251) Article(20) of the universal Declaration of the Protection from enforced disappear-
ance, Article (12) of the American convention on enforced disappearance, Article (25) of the international convention of the Protection from enforced disappear-
ance.

(252) Article (3) of the universal Declaration of the Protection from enforced disappear-
ance.

(253) Article(4/A) of the American convention on enforced disappearance, Article (9/1/A) of the international convention of the Protection from enforced disappear-
ance.

(254) Article (9/1/A) of the international convention of the Protection from enforced disappear-
ance.

(255) Article (14/B) of the American convention of the protection from enforced disap-
ppearance, Article (9/1/C) of the international convention of the Protection from enforced disappear-
ance.

(256) Article (16/2, 3) of the universal Declaration of the Protection from enforced disappear-
ance, Article (9) of the American convention on enforced disappearance.

(257) Article(6/c) of the international convention of the Protection from enforced disappear-
ance.

(258) Article (9/3) of the international convention of the Protection from enforced disap-
ppearance.