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Iraq: Chilling Accounts of Torture, Deaths

(Beirut) – Two former detainees and the father of a man who died in detention have provided details of ill-treatment, torture, and death in facilities run by the Iraqi (https://www.hrw.org/middle-east/n-africa/iraq) Interior Ministry in the Mosul area, Human Rights Watch said today.

A detainee held by the ministry's Intelligence and Counter Terrorism Office in an east Mosul prison from January to May 2018 said he witnessed and experienced repeated torture during interrogations, and saw nine men die there, at least two from the abuse. Another man from Mosul, arrested in March by local police, died during police interrogation in the Mosul police station, his father said. And a man who was held in the Intelligence and Counter Terrorism prison in Qayyarah said he saw other men returning from interrogations with signs of abuse on their bodies.

“These latest allegations reflect not only the brutal treatment of Interior Ministry detainees in the Mosul area, but also the failure of law enforcement and the judiciary to provide justice when there is evidence of torture,” Lama Fakhri (https://www.hrw.org/about/people/lama-fakhri), deputy Middle East director at Human Rights Watch, said. “The government's failure to investigate torture and death in detention is a green light to security forces that they can inflict torture without any consequences.

Because of the relatively low release rate from the facilities the men were held in and the exceptional fear former detainees have expressed, researchers were unable to find other former detainees who were willing to speak. However, the torture methods described are consistent with torture practices by other Interior Ministry forces that have been described to researchers by other former detainees and captured in photos and videos (http://www.spiegel.de/spiegel/anti-is-sondereinheit-im-irak-foltert-vergewaltigt-und-toetet-a-1149000.html) released by a photojournalist, Ali Arkady, in May 2017.

Under the Convention Against Torture, which Iraq joined in 2011, torture is defined as the deliberate infliction of severe pain or suffering, physical or mental, by a public official for a specific purpose such as obtaining information or confession or as punishment.

Human Rights Watch researchers interviewed the former detainees and the father of the detainee killed in detention in July and August in person and by phone. They each provided either physical, documentary, or photographic evidence to corroborate their statements. The men detained and released did not tell judges they were abused or had witnessed abuse, for fear of reprisals from their guards, and said they would take no steps to report the abuse. One said he had bruises all over his arms, which were visible to the judge, but the judge failed to inquire about them or to investigate the possible use of torture. The father who lost his son said he lodged an official complaint with police but had yet to receive a response.

Salam Abeed Abdullah said that Mosul police arrested his son Dawud Salam Abeed, a laborer, on March 22 saying they were taking him in for questioning. Abdullah was told two days later that his son had died from a heart attack during interrogation. But when the family got the body a month later, it showed bruises and wounds.

“Mahmoud,” 35, who asked to remain anonymous, said he turned himself in to intelligence officials in Mosul in January after his employer told him that the Intelligence and Counter Terrorism Office had issued an arrest warrant for him. He was held for four months, during which he was tortured repeatedly, because he was suspected of affiliation with the Islamic State (also known as ISIS). He described torture methods used on him and other detainees and said he saw two people die from torture.

Mahmoud was released in May, after four months, by an investigative judge at the Nineveh counterterrorism court who found there was no evidence linking Mahmoud to ISIS. When Mahmoud appeared before the judge in his first hearing, the judge did not raise questions about his treatment, though his arms were visibly bruised, he said. He said he did not tell the judge he had been abused, because he was afraid of the guards’ response. Mahmoud named to Human Rights Watch four officers who tortured him.

“Most nights I have nightmares where I think I am still in prison,” he said. “I wake up sweating and am only able to catch my breath once I look around and see I am in my own home, lying next to my wife.” He said he was too fearful of retribution by the forces that held him to seek redress for the abuse.

“Karim” was held for 11 months, first at the Intelligence and Counter Terrorism prison in Qayyarah, 60 kilometers south of Mosul, and then in the Faisaliya prison where Mahmoud was held. He told Human Rights Watch in July that he was not interrogated or tortured but that he saw signs of torture on five men in the Qayyarah prison.

A judge found in May 2017, shortly after he was detained, that there was no clear evidence against him and ordered a security check to clear him for release. But he was held until May 2018, when his lawyer was able to locate him and demonstrate to the judge there was no evidence against him.

Iraq’s constitution prohibits “all forms of psychological and physical torture and inhumane treatment.” It says that, “any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.” The Criminal Procedure Code also prohibits the use of “mistreatment, threats, injury, enticement, promises, psychological influence or use of drugs or intoxicants” to extract a confession.

However, Iraq’s criminal justice system relies heavily on a confession (<https://assets.publishing.service.gov.uk/media/57a089a6ed915d622c00032d/hdq1175.pdf>) as the sole evidence in a trial, including in particular the current trials (<https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>) of thousands of ISIS suspects (<https://www.apnews.com/aece6571de54f5dba3543d91deed381>). Judges in Iraq rarely respond to allegations of torture (<https://www.hrw.org/news/2018/07/31/iraq-judges-disregard-torture-allegations>) in the courtroom appropriately. Most ignore the allegations, or, in some cases, they order a retrial without investigating the officer implicated in the abuse.

On August 12, Human Rights Watch wrote to Haidar al-Agaili (https://www.hrw.org/sites/default/files/supporting_resources/letter_mrhaidaragaili_torture_aug12.pdf), a representative of the Prime Minister’s Advisory Council, requesting a response to the interviewees’ allegations. Al-Agaili stated in an initial reply email (https://www.hrw.org/sites/default/files/supporting_resources/response_mrhaidaragaili_torture.pdf) on August 14, that he was committed to investigating the death of Dawud Salam Abeed, but unable to investigate the other allegations so long as the subjects remained anonymous. Human Rights Watch pointed out in a subsequent letter that it had furnished sufficient information (https://www.hrw.org/sites/default/files/supporting_resources/letter_mrhaidaragaili_torture_aug14_0.pdf), including time periods, locations, and the individuals involved, to investigate the allegations of torture and multiple deaths in detention. Al-Agaili stated in a later email that same day (https://www.hrw.org/sites/default/files/supporting_resources/response_mrhaidaragaili_aug14_1.pdf), referring to the request for his office to launch an investigation:

I would like to say that we are in agreement, because we will surely do this. However, opening an investigation based on the “account” of an unknown person is difficult. Nonetheless, we will do everything we can.

Human Rights Watch also provided the information to the Interior Ministry’s inspector general. The inspector general should conduct a transparent investigation into torture practices and deaths at the Mosul police station and the prison in Faisaliya and publish his findings publicly. He should ensure any commanders implicated in the abuses reported are sanctioned appropriately, including through criminal charges, and ensure Mahmoud and others who suffered abuse obtain reparations.

Any country providing support to the Interior Ministry’s security forces should investigate whether their assistance contributed to the violations Human Rights Watch documented and consider suspending their support until the abuses stop. They should ensure further assistance to these security forces does not contribute to torture and other serious abuses, including assessing whether the Iraqi authorities are taking genuine steps to investigate and prosecute allegations of serious violations, including torture in custody.

They should ensure any ongoing or future training of military, security, or intelligence forces includes thorough instruction on the principles and application of the laws of war and human rights, particularly with regard to detainee rights.

“Detainees and their families are putting forward concrete evidence of abuse in Ministry of Interior facilities,” Fakhri said. “Now it is up to the authorities to show they have the right structures in place to investigate, prosecute, and compensate.”

Abeed

Salam Abeed Abdullah said that the police arrested his son at 11:30 p.m. on March 22. The police provided no reason for the arrest, but said they wanted to interrogate his son at the local police station. Two days later via personal contacts, Abdullah said he finally confirmed the station in which his son was being held. An officer at the station informed him that Abeed had died that morning during an interrogation, allegedly because of a heart attack. Abdullah said he demanded a forensic medical examination, but the officer said they would need to wait for a medical investigative team to come from Baghdad.

On April 23, police returned Abeed’s body to his family saying the team had conducted an examination but would need to issue the report from Baghdad. The family has never received the report. Abdullah showed researchers three photos of Abeed’s body, which show wounds on Abeed’s forehead and the back of his head, bruising and burn marks to both of his legs, bruising to his shoulders, and dried blood in both ears and his nose.

“Mahmoud”

He said he turned himself in at the Intelligence and Counter Terrorism Office and prison compound in Faisaliya, east Mosul, in January and was released in late May. He said he was held in an overcrowded cell with other detainees who were all held for alleged ISIS affiliation. Prison officers would not let him contact his family or a lawyer, and no independent prison monitors visited the area of the prison he was held in, he said. He said he had no access to medical care and was only allowed to use the bathroom twice a day, with guards beating detainees if they took too long in the toilet.

Mahmoud said he saw two cellmates die from torture during interrogation sessions. He detailed a number of torture techniques interrogators also used on him, including being hung from his hands bound behind his back in a technique called the “bazoona” at least six times, and being beaten multiple times, including on the soles of his feet, a technique internationally referred to as “falaka.”

He showed researchers scars consistent with his allegations of torture, including on his back from a beating with a metal cable, and marks to his penis and testicles, where officers burned him with a hot metal ruler. He said he also witnessed officers torture other inmates, including by hanging them from a hook and tying a one-liter water bottle to their penis, causing inflammation. He showed researchers the medications a doctor had prescribed to him upon his release. He was losing his nails at the time of the interview because of a lack of calcium, he said.

In May, an investigative judge at the Nineveh counterterrorism court released Mahmoud after two court sessions after finding there was no evidence linking Mahmoud to ISIS. He said guards at the courthouse forced him to sign a paper after his first hearing but did not allow him to read it. He did not know whether he had a state-appointed lawyer in the hearing but said that no one spoke on his behalf. His wife hired a private lawyer who was able to petition the judge to hold a second hearing for Mahmoud and was able to secure his release. Mahmoud said the private lawyer was unable to meet with him privately before the second hearing.

Mahmoud’s Cell

Mahmoud said he was held in a cell of about 2 by 3 meters, with 50 to 70 men, many of whom had been held for as long as a year, and all were being detained on terror charges. He said there were three cells, including one for female detainees, he determined, based on their voices, with cameras in each. The detainees were prohibited from speaking among themselves. He said they were allowed out of their cell twice a day, in the morning and evening, to use the bathroom, but were beaten if they took more than two minutes each to use the toilet.

Mahmoud’s Torture Sessions

Mahmoud said that on his first night in prison, an officer, whom he named to researchers, blindfolded him, bound his hands, and took him from his cell into an area the detainees called the “maidan” or square. He said, “I could hear the voices of three officers.” They uncovered his eyes

and began interrogating him, at which point he started pleading that he had done nothing wrong. They kicked him and warned, “Tomorrow we will start the initial phase of the interrogation,” he said.

The next morning, he said, a guard took him to the square again, where he saw the same three officers:

For 15 minutes they beat me with plastic and metal pipes and cables, without saying anything. Then they took my hands, bound them behind my back, and hung me by the hands, in a position called the “bazooka,” with my feet off the ground, and they said, “You will stay like this until your shoulders get dislocated.” They left me like this for an hour and then they threw water at me. After that I blacked out.

He said that when he regained consciousness he was lying on the floor, and saw another two detainees, both naked, kneeling in the “scorpion” position with their hands tied together behind their back.

He said he also recognized a fourth officer who was in the room and gave the officer’s name to Human Rights Watch.

He said that at this point officers gave him some water, then one started beating his legs and waist with a plastic pipe. Then they hung him in the “bazooka” position again, with one officer tugging on his feet, while the others threw water at him and beat his back with a metal cable.

He said that after a while they took him down, unbound his hands, laid him on his chest, and an officer stepped on his shoulders, claiming it would help put the shoulders back into their sockets:

While I lay there, guards brought in three more prisoners, and the officers started beating two of them, and then hung them up from their hands, bound behind their heads on two hooks next to the two small windows in the room. As they did this, one officer said to me, “Look at those two, that will be you soon.” Both were covered in bruises. One was in his underwear, the other naked. After a while, I am not sure how long because it was so hard to get a sense of time in there, the senior officer in the room ordered the other officers to tie a full one-liter bottle of water to a string and hang it from each of their penises.

He said that a guard took him to his cell for a few hours, but then took him back to the square. “Right when I walked in [the officers] started kicking and hitting me, and one officer told me to raise my head, and then slapped me so hard I almost fell over.” He said the officers started interrogating him about the role his brother had held in a Mosul government office before and during the time of ISIS rule. When he entered the square that second time, he saw that the two men hanging near the windows were still in the same position.

Over the next months of his detention, he said, officers hung him in the “bazooka” position at least six times, four of which led to him blacking out, and beat him many times, including 15 lashes with a cable for asking if he could call his family. “I am ashamed to admit that I started to get excited whenever I saw new prisoners arrive, as it meant the officers would be busy with them, and leave me alone,” he said.

On one occasion, about a week into his detention, he said, he was caught talking inside his cell, so officers started beating him, saying he would get 20 lashes. He said he challenged them by saying, “You are beating me like ISIS beat people, what is the difference between you and ISIS?” which led them to beat him more. He was screaming so much that they then laid him down on his chest, lifted his legs at the knee, and beat the soles of his feet many times with plastic pipes. They stopped four times, forced him to stand up and jump around in a puddle of water before continuing, to get the blood to flow back into his feet and increase the pain, he said.

Three months into his detention, he said, a guard caught him and six other prisoners speaking together on camera and took them into the square. There, officers forced them down on their chests and started beating the soles of their feet, Mahmoud said. He and one other detainee were screaming and moving their legs, so officers turned the two of them around:

One officer pinned my shoulders down, another held down my legs, and a third who was wearing gloves grabbed a small metal ruler that was being heated on the tea stove and held it against the length of my penis. I flinched from the pain and so the officer burned me a second time on my testicles. They burned the other detainee once on his penis too. I went to the doctor after I got out because I am still in so much pain, I can’t have sex or do anything with my penis, and I am not sure if it will get better.

He said that throughout his time in detention officers allowed him no medical treatment or medication, but did provide some pills and creams to cellmates who appeared to act as prison snitches.

Deaths in Custody

While he was in detention, Mahmoud said, nine men died in his cell, two after returning from interrogations and the rest in the cell for unclear reasons. One died two-and-a-half months into Mahmoud’s detention, he said. The detainee, “Ammar,” confessed to ISIS affiliation and gave the officers the names of five cousins who he said also were ISIS supporters, he later told Mahmoud. The next day the officers started detaining the cousins. Mahmoud said:

At 2 a.m., I heard screaming coming from the square and one of his cousins was insisting to the officers that he did nothing wrong. After a bit, the officers carried the cousin into our cell and threw him on the ground right next to me, covered in a wet blanket. He was completely unconscious. We changed his clothes, so he was dry. We tried to revive him with food and juice, but he could barely speak. Ammar stayed far away, he was scared that if he tried to help him, the officers would beat him.

The next morning guards came and took Ammar away to court with five other detainees, and that evening the guard came back for his cousin. We heard screams all night, and the guard only brought him back in the early morning unconscious. We took off his clothes and saw he had two big bruises to his waist on either side, green bruises on his arms, and a long red burn down the length of his penis. We tried to clean the burn wound and he didn’t even flinch. His face looked almost blue. He started to revive, and tried to stand up and gasp for air, but fell to the ground. He then defecated on himself, so we cleaned him up, and changed his clothes.

A few hours later, I heard him start whispering the names of his wife and children, and then he fell silent. I was screaming for the guard, yelling that he was dying, but the guard said he could not open the cell door without an order from his officer. The cousin drew in a sharp breath and then was dead. When we realized that he was dead, we did something that made us feel like we are not humans anymore, we stripped him and took his clothing, because we were all desperate for clothes.

As Mahmoud broke down crying, he said that as the day wore on, the man's body began to smell. Finally, in the evening a guard opened the cell to collect another detainee for interrogation. Mahmoud said:

I told him the man had died, and he responded, “Let him die, it is a dog that died. It doesn't matter if 10 or 20 more die, they are ISIS and deserve to die.”

The officer told a group of the detainees to carry the body out into the hallway and leave it covered by a blanket near the bathroom. Mahmoud said that night when they were taken to the bathroom, and the next morning, he still saw the body there, before it was taken away. While they went to the bathroom, guards were covering their noses because of the stench.

Mahmoud said a second man died in his cell within four days of arriving at the prison. He said he heard the man telling officers he had no link to ISIS, but that he had remarried a second wife and his first wife got angry and made the report. Mahmoud said he saw officers hanging the man through a window in the hallway that looked into the square and later saw him on the ground in the square every day being interrogated, as Mahmoud passed by to go to the bathroom. “On the fourth night a guard brought him back to the cell, and in the morning he didn't wake up and we realized he had died,” he said. “That morning the guard had us carry his body into the hallway, after which they must have removed it.”

“Karim”

On July 10, researchers interviewed “Karim,” who was held for 11 months after his arrest in May 2017, first in the Qayyarah prison, but after 11 months, officers closed the Qayyarah facility, a group of three abandoned and dilapidated houses, and transferred the detainees to Faisaliya.

While in Qayyarah, Karim said, he was held in overcrowded conditions and forbidden from speaking to other detainees. He said no one interrogated him, but that he saw other men returning from interrogations with signs of torture on their bodies.

He said he saw five men from his cell taken for interrogations and they were returned 7 to 12 hours later crying and unable to move their arms or shoulders. “They could not eat or drink,” he said. “We had to feed them. We even had to help them go to the bathroom.” They told him they had been held in the “bazooka” position. He said Doctors Without Borders (Médecins Sans Frontières, MSF) staff visited the hospital and took one detainee out of his cell, because he had such visible signs of torture through beatings by metal cables.

He said that a judge found in May 2017 that there was no clear evidence against him and ordered the National Security Service and intelligence service to run a check on him to clear him for release. But he remained in custody, and in April 2018, authorities transferred him and the other detainees to Faisaliya. In Faisaliya he described a large hanger where he was held with at least 70 other men for a month, until his lawyer was able to locate him and demonstrate to the judge that there was no evidence against him.

ecoi.net summary:

Article on torture and deaths of detainees in Ministry of Interior prisons in the Mosul area



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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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