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European Asylum Support Office

EASO

Country of Origin Information Report

Iraq Actors of Protection



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Country of Origin Information Report

Iraq

Actors of Protection

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The review carried out by the mentioned departments, experts or organisations contributes to the overall quality of the report, but does not necessarily imply their formal endorsement of the final report, which is the full responsibility of EASO.

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Disclaimer

This report was written according to the EASO COI Report Methodology (2012) ⁽¹⁾. The report is based on carefully selected sources of information. All sources used are referenced.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Any event taking place after the finalisation of this report is not included.

Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as generic terminology and not in the legal sense as applied in the EU Asylum Acquis, the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The drafting of this report was finalised in November 2018. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the methodology section of the [Introduction](#).

⁽¹⁾ The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: <http://www.easo.europa.eu>.

Glossary and abbreviations

AAH	Asaib ahl al-Haq, also called League of the Righteous or the Khazali network; Shia-PMU militia formerly part of the Mahdi army. Led by Qais al-Khazali
<i>al-hashd al-ashari</i>	Sunni tribal militia units composed mainly of Sunni tribes; some affiliated with the PMUs
<i>Al-hashd al Shaabi</i>	Popular Mobilisation Units (PMU) or Popular Mobilisation Forces (PMF)
<i>Al Quds Force</i>	Also spelled <i>Al Qods</i> ; Extra-territorial contingent of the IRGC special forces run by Qassem Suleimani, involved in supporting Iran-backed PMUs in Iraq and Syria
<i>Asayish</i>	Intelligence services of the Kurdistan Regional Government; also has divisions along party lines between PUK and KDP
Baath party	Political party of Saddam Hussein
Badr Organisation	Political organisation with associated Badr Popular Mobilisation Unit (also called Badr Brigades, Badr Corps, or Munathammat Badr). Led by Hadi al Amiri
COI	Commission of Integrity
CoR	Council of Representatives
CTS	Counter-Terrorism Service; also called ISOF (Iraqi Special Operations Forces); elite-trained special forces
Daesh	Arabic abbreviation for ISIL, ad-Dawlah al-Islamiyah fi 'l-'Iraq wa-sh-Sham
<i>Diya</i>	Blood money; compensation paid in tribal justice dispute resolution
ERD	Emergency Response Division
<i>Fasliya marriage</i>	Marriages taking place to settle tribal disputes
<i>fatwa</i>	Religious edict issued by Islamic clerics
Fateh Alliance	Conquest Alliance; political bloc formed by Hadi al Ameri associated with Iranian-linked PMUs; came second in May 2018 elections
FEDPOL or FP	Federal Police
GBV	Gender-based violence
IA	Iraqi Army
IHCHR	Iraqi High Commission for Human Rights
IDP	Internally Displaced Persons
ISF	Iraqi Security Forces
ISW	Institute for the Study of War
ISIL	Islamic State of Iraq and the Levant; also known as Islamic State of Iraq and Syria (ISIS), the Islamic State (IS), or Daesh
JOC	Joint Operations Command

KDP	Kurdish Democratic Party
KH	Kataib Hezbollah
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
MoD	Ministry of Defence
Mol	Ministry of Interior
<i>Muhasasa system</i>	An ethno-sectarian quota system to distribute cabinet and political positions
<i>mukhtar</i>	A local official at the lowest level of local administration
NSS	National Security Service
OIG	Office of the Inspector General; oversight mechanism within ministries that is supposed to provide independent internal control
Peshmerga	Military forces of the Kurdistan region; divided in loyalty between KDP and PUK
PM	Prime Minister
PMF or PMU	Popular Mobilisation Forces or Popular Mobilisation Units, also called <i>Hashd al Shaabi</i> in Arabic
PUK	Patriotic Union of Kurdistan
Sairoon Alliance	Toward Reform; Shia-led political bloc formed by populist Shia cleric Moqtada al Sadr; came first in May 2018 elections
<i>Takfiri</i> or <i>Takfir</i>	An Arabic word meaning ‘unbeliever’; Extremist Islamist ideology employed by ISIL to declare individuals as apostates or impure; used against those who do not pledge allegiance
SCIRI	Islamic Supreme Council of Iraq; a post-2003 Shiite political party with a militant wing from which Badr split
TI	Transparency International
UNAMI	United Nations Assistance Mission for Iraq
<i>‘Urf</i>	Tribal customary law; also known as <i>aadat</i> or <i>al-qada al-asha’iri</i>
Victory Alliance	Prime Minister Haider al Abadi’s list for the May 2018 elections; came in third in the May 2018 elections leading to the end of Abadi’s tenure

Introduction

The purpose of this report is to provide an overview of the structure, functions, and effectiveness of the justice and security sectors of the government of Iraq, in their role as state actors of protection. The primary focus of the report is on the state's functioning in protecting and guaranteeing the protection of its citizens in the context of civilian security and justice. The central institutions that fulfil critical functions such as the Ministries of Interior and Defence, as well as the judiciary are examined in terms of capacity, mandate, effectiveness and integrity. Further institutions, such as the Iraqi High Commission for Human Rights are also examined. Given the distinct governance of Kurdistan, institutions in that region were also included as part of this report. Given the large-scale broad proliferation of state-aligned militias, non-aligned groups and other security actors in Iraq post-ISIL, this report is limited to an overview of the main actors of the state.

Methodology and sources

The terms of reference of this report were defined by EASO based on discussions held and input received from policy experts in EU+ countries within the framework of a Country Guidance Network exercise on Iraq. This report was drafted for the purpose of developing a chapter on actors of protection.

Terms of Reference for this report can be found in the annex of this report.

Research was carried out for this report in accordance with the EASO COI Research Methodology. The information gathered is a result of research using public, specialised paper-based and electronic sources. EASO contacted expert sources which are listed in the bibliography to supplement information found in public sources. Research was conducted between July 2018 and October 2018 with some additional information added prior to finalisation on 17 November 2018.

In line with the EASO COI Report Methodology, a peer review was performed by COI researchers from the departments listed as reviewers in the Acknowledgements section; an external review was also carried out.

All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

Structure and use of the report

The report aims to provide relevant information for the assessment of international protection status determination, including refugee status and subsidiary protection, as well as for use in the development of EASO's country guidance exercise on Iraq.

Map



Map: UN, Iraq - Map No 3835 Rev. 6, July 2014, ([url](#)).

1. Basic data

Iraq is a federal republic ⁽²⁾ with a population of 38 375 000 people as of 2017, according to the UN ⁽³⁾. The population density is 88.1 ⁽⁴⁾.

The country is administratively divided into 18 governorates, with the Kurdish Region of Iraq (Dohuk, Sulaymaniyah, Erbil) governed as an autonomous region by the Kurdish Regional Government (KRG) ⁽⁵⁾.

The capital, Baghdad, has roughly 6.6 million people ⁽⁶⁾, with other major cities being Mosul (1.5 million), Basra (1.2 million), Kirkuk (981 000), Erbil (821 000), and Najaf (820 000) ⁽⁷⁾. The population is mainly concentrated in the north, centre, and eastern parts of the country with large urban areas being located along the Tigris and Euphrates. The western and southern areas are less populated or uninhabited ⁽⁸⁾. The urbanised population is estimated to be about 69.5 ⁽⁹⁾ to 70.5 % ⁽¹⁰⁾.

The country is estimated to be 75-80 % Arab, 15-20 % Kurdish, and 5 % made up of groups including Turkmen, Yazidi, Shabak, Kaka'i, Bedouin, Romani, Assyrian, Circassian, Sabaean-Mandaen, and Persian. Islam is the country's official religion, with 95-98 % of the population being Muslim (roughly 64-69 % Shia and 29-34 % Sunni). Christians make up between 1 % and 5 % ⁽¹¹⁾.

Shia communities are mainly concentrated in the south and east of Iraq, while Sunnis are mostly located in the west, north, and central parts of the country ⁽¹²⁾. Under the Constitution, Arabic and Kurdish are the two official languages of Iraq, and Turkmen, Syriac, and Armenian languages are guaranteed to be provided in government and private educational institutions ⁽¹³⁾.

The economy has been undermined by decades of conflict and remains heavily oil-dependent ⁽¹⁴⁾.

⁽²⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽³⁾ UNSD, UNdata, Country Profile – Iraq, n.d. ([url](#)).

⁽⁴⁾ UNSD, UNdata, Country Profile – Iraq, n.d. ([url](#)).

⁽⁵⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽⁶⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)); UNSD, UNdata, Country Profile – Iraq, n.d. ([url](#)).

⁽⁷⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽⁸⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽⁹⁾ UNSD, UNdata, Country Profile – Iraq, n.d. ([url](#)).

⁽¹⁰⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽¹¹⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽¹²⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 7.

⁽¹³⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁴⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

2. Context

Iraq is a deeply complex and diverse society with a range of intersecting identities across ethnic, tribal, religious configurations ⁽¹⁵⁾. The past 15 years of Iraq's recent history since the fall of Saddam Hussein have been characterised by a series of conflicts unfolding with political and sectarian dimensions, and involving domestic and foreign entities, the impacts of which still resound ⁽¹⁶⁾.

Sectarianism rapidly increased in violent waves after the 2003 US invasion, mainly between Sunni and Shia; this was stoked by historical favouritism of Sunni under Saddam Hussein, then PM Maliki's Shia preference ⁽¹⁷⁾, as well as the new post-2003 US-implemented governance system put in place that favoured Shia ⁽¹⁸⁾; creating significant mistrust and societal division ⁽¹⁹⁾. Thousands of Iraqis have been killed in suicide attacks since 2003 ⁽²⁰⁾. Sectarian appointments and policies under Shia PM Nuri al-Maliki eroded public confidence in the security forces in the years after 2010, causing significant friction among the ISF and population, particularly for Sunnis ⁽²¹⁾.

In 2014, the Salafi jihadist group Islamic State of Iraq in Syria and Levant (ISIL) conquered one third of Iraq's territory and forced the sudden collapse of Iraq's state security forces ⁽²²⁾. Between June 2014 and December 2017, in the territories it attacked and controlled, ISIL applied a 'sustained and deliberate policy of executing civilians' as a means of exerting control and instilling fear. The group committed mass killings, targeted civilians, imposed strict codes of social behaviour, killing those not in conformity with their Islamic *Takfiri* doctrines ⁽²³⁾. The UN found that ISIL's targeted violence against civilians and minorities in particular may constitute war crimes, crimes against humanity and possibly genocide ⁽²⁴⁾. The conflict and military interventions sparked an internal displacement crisis in Iraq, and opened deep further distrust in the population ⁽²⁵⁾.

Following Iraqi military forces' collapse and failure to protect the population, Iraq slowly began to rebuild its security forces with Western support ⁽²⁶⁾. A 73-nation Global Coalition to Defeat ISIL, led by the US, supported the Iraqi efforts against ISIL ⁽²⁷⁾. After three years of military campaigns, in December 2017, PM al-Abadi declared that ISIL was declared defeated ⁽²⁸⁾ and Iraqi territory was liberated from them, though the situation remains unstable and they continue to carry out targeted

⁽¹⁵⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), pp. 3-4.

⁽¹⁶⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), pp. 3-4.

⁽¹⁷⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽¹⁸⁾ Chatelard, G., Comment made during the review of this report, 30 October 2018.

⁽¹⁹⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽²⁰⁾ UN Human Rights Council, Report of the Office of the United Nations High Commissioner on the human rights situation in Iraq in light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups (A/HRC/28/18), 13 March 2015 ([url](#)), p. 5.

⁽²¹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 31.

⁽²²⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽²³⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), pp. 4-5.

⁽²⁴⁾ UN Human Rights Council, Report of the Office of the United Nations High Commissioner on the human rights situation in Iraq in light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups (A/HRC/28/18), 13 March 2015 ([url](#)), p. 5.

⁽²⁵⁾ MRG (Minority Rights Group International), Iraq, May 2018 ([url](#)).

⁽²⁶⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 16.

⁽²⁷⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽²⁸⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), pp. 3-4; US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

attacks against civilians ⁽²⁹⁾ and asymmetric attacks across Iraq ⁽³⁰⁾. A longer-term insurgency situation is developing ⁽³¹⁾, particularly intensely in Salah al-Din, and Diyala ⁽³²⁾. There are an estimated 15-17 000 ISIL fighters still active in Iraq as of August 2018 ⁽³³⁾. ISIL also continues to focus targeted attacks on members of the Iraqi police, security forces and PMUs ⁽³⁴⁾, in Ninewa and Kirkuk in particular ⁽³⁵⁾. Civilians continue to be subjected to conflict-related violence, with 8 079 casualties in 2017, totalling 85 123 since June 2014 to the end of 2017 ⁽³⁶⁾.

The presence and influence of foreign armed forces active in Iraqi territory continue to complicate the security landscape, with Turkish, Iranian, and US-backed international forces present ⁽³⁷⁾. Stabilisation efforts for the local population post-ISIL have been slow due to the immense infrastructure damage and explosive hazards left behind following years of conflict with ISIL. Although ISIL's territorial control and capabilities have been reduced, it continues to operate ⁽³⁸⁾.

The fight against ISIL allowed a range of paramilitary groups (*Hashd al Shaabi*, or Popular Mobilisation Units) to operate 'autonomously from state security forces' ⁽³⁹⁾ while the Kurdish forces also gained (in the wake of ISIL in 2014) and lost territory in the disputed areas (October 2017) ⁽⁴⁰⁾. Having now been praised for their role in the defeat of ISIL, these groups have a partially legalised role in ensuring security in Iraq and are moving into political and economic aspects of the country's governance structures ⁽⁴¹⁾. In the fight against ISIL, a range of security actors have developed and proliferated ⁽⁴²⁾. For example, forces operating in Ninewa province as of 2018 include at least 10 formal security services and numerous government-aligned, non-aligned, and foreign forces with a plethora of loyalties ⁽⁴³⁾. Although ISIL carried out the majority of abuses, the government's forces have been involved in abuse and torture during arrest, pre-trial detention, and after conviction in a wide range of abuses including extra-judicial killings ⁽⁴⁴⁾. Following the territorial liberation of ISIL areas, Iraq is facing a 'complex and fragile' transition phase with new dynamics emerging across sensitive political and conflict fault lines ⁽⁴⁵⁾.

⁽²⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1; UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 1.

⁽³⁰⁾ UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/359), 17 April 2018 ([url](#)), para. 18.

⁽³¹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 2; ISW, ISIS's Second Resurgence, 2 October 2018 ([url](#)).

⁽³²⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 2.

⁽³³⁾ US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve and Operation Pacific Eagle-Philippines – April 1 2018-June 30 2018, August 2018 ([url](#)).

⁽³⁴⁾ UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/359), 17 April 2018 ([url](#)), para. 44; US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve and Operation Pacific Eagle-Philippines – April 1 2018-June 30 2018, August 2018 ([url](#)), p. 20.

⁽³⁵⁾ UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/359), 17 April 2018 ([url](#)), para. 44.

⁽³⁶⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. vi.

⁽³⁷⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. 23-24.

⁽³⁸⁾ US, Leading Inspector General Special Report: Observations from Travel to Iraq, Afghanistan, and Qatar, March 2018 ([url](#)), pp. 3-4.

⁽³⁹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1; Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴⁰⁾ US, CRS, Iraq: Issues in the 115th Congress, 4 October 2018 ([url](#)), pp. 1, 10-11.

⁽⁴¹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1; Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴²⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1; Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴³⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. 13-14.

⁽⁴⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 6.

⁽⁴⁵⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), pp. 3-(4).

3. State structure and governance

The Republic of Iraq is a constitutional, federal, parliamentary republic ⁽⁴⁶⁾. The Constitution of Iraq was established in 2005, two years after the overthrow of Saddam Hussein and the Baath Party ⁽⁴⁷⁾. According to Article 1 of the Constitution, ‘the Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq’ ⁽⁴⁸⁾.

Iraq is a multi-party state with a prime minister as the head of government and a president, which both have executive power ⁽⁴⁹⁾. The three branches of the Iraqi federal government are designed to create a system of ‘checks and balances’ through the executive, legislative, and judicial branches ⁽⁵⁰⁾. However, in practice, the boundaries between the branches are ‘blurred’ ⁽⁵¹⁾.

3.1 Executive branch

The executive branch is composed of:

- the Presidency Council (president and maximum of three vice-presidents);
- the Council of Ministers (the PM, three deputy PMs, and 30 ministers) ⁽⁵²⁾.

The president appoints the prime minister ⁽⁵³⁾. In practice, the prime minister’s position is more influential while the president is a more representative or ceremonial post ⁽⁵⁴⁾. The prime minister appoints the council of ministers who must be approved by Parliament. The council of ministers is made up of the ministers for each department within the Council. Parliamentary committees oversee ministers and the ministries within the council of ministries ⁽⁵⁵⁾.

Since 2003, unofficial agreements between sectarian and ethnic groups have meant that Iraq’s presidency is traditionally held by a Kurd; the parliamentary speaker is a Sunni, and the prime minister is a Shia/Shiite ⁽⁵⁶⁾; these two latter positions are held by Sunni and Shia Arabs ⁽⁵⁷⁾. Political positions in the cabinet are distributed through ‘ethnosectarian quotas’ called the *Muhasasa* system ⁽⁵⁸⁾ which rely on ‘back room deals’ between different identity groups over allocation of ministries on the basis of ethno-sectarian lines ⁽⁵⁹⁾.

⁽⁴⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1; Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 13.

⁽⁴⁷⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), p. 4.

⁽⁴⁸⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽⁴⁹⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁵⁰⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), pp. 2-3.

⁽⁵¹⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 13.

⁽⁵²⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁵³⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁵⁴⁾ AP, Iraq Has a New, Moderate President and Shiite Prime Minister, 3 October 2018 ([url](#)); Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 13.

⁽⁵⁵⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁵⁶⁾ AP, Iraq Has a New, Moderate President and Shiite Prime Minister, 3 October 2018 ([url](#)); New York Times (The), Iraq’s New Leaders Seen as Technocrats, in a Break From Sectarian Politics, 2 October 2018 ([url](#)).

⁽⁵⁷⁾ Chatelard, G., Comment made during the review of this report, 30 October 2018.

⁽⁵⁸⁾ Atlantic Council, What ‘Inclusivity’ Means in Iraq, 28 March 2016 ([url](#)); Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

⁽⁵⁹⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

3.2 Legislative branch

Legislative power is through the elected parliamentary Council of Representatives (CoR) and the Federation Council ⁽⁶⁰⁾. As a unicameral system, it is composed of Members of Parliament elected to four year terms ⁽⁶¹⁾. The Council of Representatives is Iraq's 329-seat Parliament, requires a 165-seat majority in elections to govern by majority ⁽⁶²⁾. The CoR has allocated representation for minority groups (5 seats for Christians and one each for Yazidi, Sabeen Mandaen, Shabaks, Feyli Kurds) and allocates 25 % of seats to women ⁽⁶³⁾. The CoR is responsible for passing federal laws, overseeing the executive, and nominating and approving officials for certain posts. The CoR is also responsible for electing the President of the Republic, who in turn, appoints the Prime Minister from among the 'majority coalition of Parliament' ⁽⁶⁴⁾.

Apart from the CoR, the Iraqi administration has to establish, further to the new constitutional demands, an upper house called the Federal (or Federation) Council, but it has not organised elections for it yet ⁽⁶⁵⁾.

3.3 Judicial branch

Under the Constitution of Iraq, the judiciary is 'independent and no power is above the judiciary except the law' ⁽⁶⁶⁾. The judiciary is made up of the Higher Judicial Council, Federal Supreme Court (nine judges), Court of Cassation, Public Prosecution Department, Judicial Oversight Committee and federal courts ⁽⁶⁷⁾.

The Federal Court is responsible for federalism and constitutionality issues and the Higher Judicial Council is mandated to manage and oversee the federal Iraqi court system and 'disciplinary matters' ⁽⁶⁸⁾. This includes authority over federal court staff, judges of the Court of Cassation, appellate judges, trial judges, investigative judges and prosecutors of federal courts ⁽⁶⁹⁾.

In 2013, Parliament passed legislation to prevent the chief of the Federal Supreme Court from also being head of the Higher Judicial Council, which oversees the legal system ⁽⁷⁰⁾. However, USDOS stated in 2017 that one person heads both the Federal Supreme Court and the Higher Judicial Council, leading to accusations of lack of independence and politicisation of the judiciary ⁽⁷¹⁾.

3.4 Federal system and the Kurdistan Region of Iraq

Article 116 states that Iraq is a federal republic, consisting of 'a decentralized capital, regions, and governorates, as well as local administrations' ⁽⁷²⁾. The Iraqi Constitution allows for the creation of

⁽⁶⁰⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁶¹⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁶²⁾ ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)).

⁽⁶³⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)); UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/677), 9 July 2018 ([url](#)), para. 6.

⁽⁶⁴⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁶⁵⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

⁽⁶⁶⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 12; Iraq, Constitution of the Republic of Iraq (15 October 2005), Unofficial English version available at: ([url](#)), Article 19 (1).

⁽⁶⁷⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽⁶⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁶⁹⁾ GJPI, Judicial Independence, n.d. ([url](#)).

⁽⁷⁰⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p.8.

⁽⁷¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁷²⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), 2005, ([url](#)).

new regions by referendum; however, KRI is the only constitutionally recognised autonomous region under Article 117 ⁽⁷³⁾. Under Article 121, the Constitution permits regional powers to have their own executive, legislative and judicial powers, aside from those exclusive to the federal government. They are allocated an equitable share of national revenues, and are permitted to establish and organise their own internal security forces, such as police ⁽⁷⁴⁾.

3.4.1 Provincial councils

Iraq has 18 governorates, each of which is governed by an elected Provincial Council and headed by a governor. The governor is determined by the party with the majority of seats in provincial level elections ⁽⁷⁵⁾. Provinces or governorates and districts are administrative units of the central government which regulates their affairs under federal law ⁽⁷⁶⁾. Provincial councils have the right to issue legislation in accordance with decentralisation principles that do not violate the Constitution and federal law. The Governor directs and manages provincial affairs, including legal and security affairs, with ‘direct authority over local security agencies and investigative services’. He has the authority to request additional resources from MoI if the province is unable to maintain security and order ⁽⁷⁷⁾. Provincial councils still remain under the authority of the CoR, and have complained of limited freedom in recent years, keeping provincial powers dependent on central budgets. Corruption of local officials is also reportedly the cause of accusations of ineffectiveness at that level ⁽⁷⁸⁾.

3.4.2 Kurdistan Region of Iraq

The Kurdistan Region of Iraq (KRI) is governed by the autonomous Kurdistan Regional Government (KRG) under the Iraqi Constitution, and responsible for the governorates of Erbil, Sulaymaniyah, and Dohuk. The KRI is dominated by the split between two main rival political parties and their associated founding families, the Barzanis (KDP) and the Talabanis (PUK). Each party respectively governs Dohuk and Erbil (KDP), and Sulaymaniyah (PUK) ⁽⁷⁹⁾. The KDP-PUK division of the region based on clientalistic networks is associated with high levels of corruption, personalism and nepotism ⁽⁸⁰⁾ as both sides put their extended families in senior government posts ⁽⁸¹⁾.

KRG’s regional legislative assembly is made up of 111 seats, ten of which are reserved for minorities (5 for Christian, 5 for Turkmen), and 30% of which are for women ⁽⁸²⁾. Under the Constitution, the KRG has considerable powers to legislate a range of areas including health services, education, policing and security, environment and natural resources, housing, trade, industry, social services, transportation and roads. The Kurdish Parliament may also amend the application of Iraq-wide legislation falling outside of exclusive federal powers ⁽⁸³⁾. Article 141 states that legislation, decisions, court decisions and contracts enacted in the region of Kurdistan shall remain in force, and decisions issued by the government of the region of Kurdistan ‘shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that

⁽⁷³⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), 2005, ([url](#)).

⁽⁷⁴⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), 2005, ([url](#)).

⁽⁷⁵⁾ Australia, DFAT, Country Information Report – Iraq, 26 June 2017 [available on request], p. 7.

⁽⁷⁶⁾ Cravens, L., & Brinkerhoff, D. W. Provincial governance in Iraq: Councils, contestation, and capacity building, 2013 ([url](#)), p. 4.

⁽⁷⁷⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 25.

⁽⁷⁸⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 26.

⁽⁷⁹⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 12.

⁽⁸⁰⁾ Al Jazeera, Is Iraqi Kurdistan on the verge of another civil war? 30 September 2018 ([url](#)); Carnegie MEC, Kurdistan’s Politicized Society Confronts a Sultanistic System, 18 August 2015 ([url](#)).

⁽⁸¹⁾ Al Jazeera, Is Iraqi Kurdistan on the verge of another civil war? 30 September 2018 ([url](#)); Carnegie MEC, Kurdistan’s Politicized Society Confronts a Sultanistic System, 18 August 2015 ([url](#)).

⁽⁸²⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 9.

⁽⁸³⁾ Iraq, Kurdistan Region, The Kurdistan Parliament, n.d. ([url](#)).

they do not contradict with the Constitution’⁽⁸⁴⁾. A number of parliamentary committees also support the government in areas such as health, housing, human rights, civil affairs, women’s rights, education, integrity and labour rights⁽⁸⁵⁾.

The KRG held legislative elections on 30 September 2018⁽⁸⁶⁾. The regional election commission reported that Kurdistan’s two main parties, the KDP and the PUK dominated the election results⁽⁸⁷⁾. The KDP won 45 of 111 seats, and the PUK won 21 seats, while the Gorran Movement came third with 12 seats. However, opposition parties of Gorran, Kurdistan Islamic Union, and Kurdistan Islamic Group accused both the KDP and PUK of electoral fraud and ballot stuffing⁽⁸⁸⁾. The PUK and KDP also accused each another of election fraud, with the PUK claiming it would not accept the results⁽⁸⁹⁾.

3.4.3 Disputed territories

The disputed territories of Iraq are located in parts of Erbil, within KRI, and across parts of Kirkuk, Diyala, Salah al-Din, and Ninewa governorates. These areas have been the subject of contested control between KRG and Iraqi central government when Kurds took control of these areas lying outside the KRI border, after the fall of Saddam Hussein. The question of their control was addressed in the 2005 Constitution under Article 40, but this has never been resolved⁽⁹⁰⁾.

In 2014, in the context with the war with ISIL, KRG forces of the Peshmerga moved into some areas of the disputed areas and took over control there, including Kirkuk⁽⁹¹⁾, oil-rich areas adjacent to it, and parts of Ninewa populated by ethnic and religious minorities⁽⁹²⁾. In September 2017, the KRG held a non-binding referendum on KRI independence which was well-supported by the population, but was opposed by the federal government. The government issued demands that the KRG nullify the results, and in support of this, Iraqi government forces retook parts of the disputed territories taken by the Kurds, sparking the displacement of thousands of Kurds⁽⁹³⁾. According to the Danish Immigration Service, following the takeover of the governorate of Kirkuk, 148 000 to 200 000 mostly ethnic Kurds from Kirkuk and Tuz Khurmatu fled and sources were unclear on how many have returned; there were reports of Kurds in Arab areas of Kirkuk city and Tuz forced to leave or having shops and houses burned⁽⁹⁴⁾.

3.5 Elections, political parties, lists and coalitions

The Council of Representatives is elected from an open-list proportional representation system⁽⁹⁵⁾. Political parties and coalitions in Iraq are largely organised along ethno-religious lines⁽⁹⁶⁾, but drivers of political behaviour are complex, and sectarian lines may be crossed to obtain political gains or further interests⁽⁹⁷⁾. Sources report that some political parties have sought to transcend sectarian

⁽⁸⁴⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), 2005, ([url](#)).

⁽⁸⁵⁾ Iraq, Kurdistan Region, The Kurdistan Parliament, n.d. ([url](#)).

⁽⁸⁶⁾ US, CRS, Iraq: Issues in the 115th Congress, 4 October 2018 ([url](#)), p. 11.

⁽⁸⁷⁾ Al Monitor, Iraqi Kurds vote to elect new Parliament, 1 October 2018 ([url](#)).

⁽⁸⁸⁾ Al Jazeera, Opposition parties reject vote results in Iraq’s Kurdish region, 21 October 2018 ([url](#)).

⁽⁸⁹⁾ VOA, Both Major Parties Cry Fraud in Iraqi Kurdish Election, 30 September 2018 ([url](#)).

⁽⁹⁰⁾ US, CRS, Iraq: Issues in the 115th Congress, 4 October 2018 ([url](#)), p. 11.

⁽⁹¹⁾ Chatelard, G., Comment made during the review of this report, 30 October 2018.

⁽⁹²⁾ US, CRS, Iraq: Issues in the 115th Congress, 4 October 2018 ([url](#)), p. 11.

⁽⁹³⁾ MRG (Minority Rights Group International), Iraq, May 2018 ([url](#)); ISW, Iraq and Iran compel Kurdish withdrawal from Kirkuk, 19 October 2017 ([url](#)).

⁽⁹⁴⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 14.

⁽⁹⁵⁾ IFES, Elections in Iraq – 2018 Council of Representatives Election, 7 May 2018 ([url](#)), p. 1.

⁽⁹⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1, 34

⁽⁹⁷⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), p. 23.

divisions ⁽⁹⁸⁾, though the cross-sectarian political landscape remains underdeveloped ⁽⁹⁹⁾. About 80 political parties have emerged with broadly stable leadership and resources to participate in Iraqi elections since 2003 ⁽¹⁰⁰⁾. Since 2003, mainly Shia-led governments have been in control, having to manage high levels of insecurity and sectarian violence ⁽¹⁰¹⁾.

Under the Constitution, Iraqi armed forces and their personnel are barred from participating in elections ⁽¹⁰²⁾. Security forces and political activities are blurred in Iraq, with Shiites having PMU militias, Sunnis having tribal militias, Kurds having the Peshmerga/Asayish, and minorities setting up their own protection forces ⁽¹⁰³⁾. Numerous major political parties and coalitions have associated militias or armed wings, including the main political entities elected in national elections in May 2018 ⁽¹⁰⁴⁾. Fatah Alliance was created by members of the PMUs as the political arm of the Badr Organisation, running in the 2018 elections; Moqtada al-Sadr, whose militia, the Peace Brigades, is part of the PMU, created the Sairoon list to run ⁽¹⁰⁵⁾. Paramilitaries have participated in elections as political entities in the past, with Badr and AAH also electing officials to office in 2014 ⁽¹⁰⁶⁾. Many of these groups have been accused of being involved in sectarian abuses historically and since the ISIL crisis ⁽¹⁰⁷⁾.

3.6 National elections in May 2018

Parliamentary elections in 2014 allowed for a peaceful transition of power from former Prime Minister Nuri al Maliki to Prime Minister Haider al Abadi ⁽¹⁰⁸⁾. National parliamentary elections were held for the Council of Representatives 12 May 2018 ⁽¹⁰⁹⁾. The elections were reportedly competitive and largely peaceful ⁽¹¹⁰⁾. However, voter turnout was reportedly low ⁽¹¹¹⁾ and after the results were released there were allegations of electoral fraud and contestation by a number of groups ⁽¹¹²⁾; election-related violence, and protests calling for a recount of the votes occurred in the months following the election ⁽¹¹³⁾.

In the May 2018 national elections, none of the winning electoral lists won a majority (165 seats) enough to form government, creating the need to form a coalition government: the Shia political bloc

⁽⁹⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1, 34; Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), p. 2.

⁽⁹⁹⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), p. 23.

⁽¹⁰⁰⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), pp. 2-3.

⁽¹⁰¹⁾ BBC News, Iraq country profile, 3 October 2018 ([url](#)).

⁽¹⁰²⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 7.

⁽¹⁰³⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 23.

⁽¹⁰⁴⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)); International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 5.

⁽¹⁰⁵⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 7.

⁽¹⁰⁶⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 7.

⁽¹⁰⁷⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 6.

⁽¹⁰⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), pp. 1, 34.

⁽¹⁰⁹⁾ International Crisis Group, CrisisWatch Database – Iraq, June 2018 ([url](#)); Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, July 2018 ([url](#)), p.1.

⁽¹¹⁰⁾ Hasan, H., The Truth About Iraq's Democracy, 29 May 2018 ([url](#)).

⁽¹¹¹⁾ ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)); Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, July 2018 ([url](#)), p.1.

⁽¹¹²⁾ ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)); International Crisis Group, CrisisWatch Database – Iraq, June 2018 ([url](#)); UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/677), 9 July 2018 ([url](#)), pp. 2-3.

⁽¹¹³⁾ International Crisis Group, CrisisWatch Database – Iraq, June 2018 ([url](#)).

formed by Moqtada al Sadr, Sairoon Alliance (Toward Reform) which is made up of Sadrists and the Iraqi Communist Party, came first in the elections, with 54 seats ⁽¹¹⁴⁾. Fatah Alliance (or Conquest Alliance), the electoral list led by the Iranian-backed Badr Organisation (led by Hadi al Ameri) came second, winning 47 seats ⁽¹¹⁵⁾. Prime Minister Abadi's list, the Victory Alliance, placed third, with 42 seats ⁽¹¹⁶⁾.

In terms of ethno-religious and party list representation, the configuration of seats by electoral alliance indicates that the majority of seats in the CoR are held by Shia, followed by Kurds:

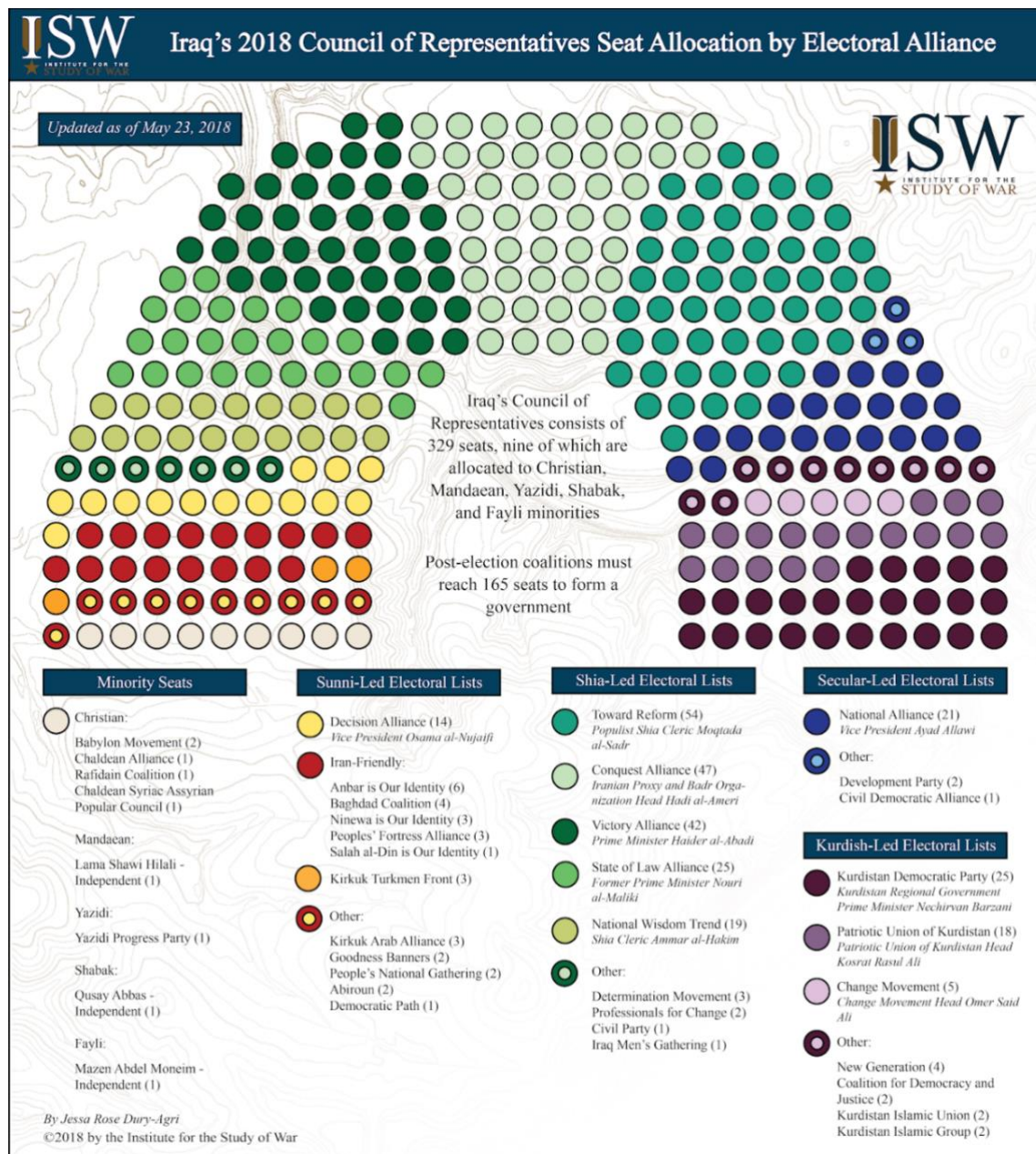


Table 1: Iraq's Council of Representatives in May 2018 ⁽¹¹⁷⁾.

⁽¹¹⁴⁾ Musings on Iraq, Sadr-Communist Alliance and Iraq's 2018 Elections Interview with Benedict Robin, 22 May 2018 ([url](#)); ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)).

⁽¹¹⁵⁾ ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)).

⁽¹¹⁶⁾ ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)).

⁽¹¹⁷⁾ ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)).

Minority components' reserved seats were allocated as per constitutional requirements. Women candidates gained 84 seats in the 2018 parliament, meeting the constitutional requirement at 25.5 %⁽¹¹⁸⁾. Over 2 000 female candidates ran in the 2018 election, though some withdrew due to threats and intimidation⁽¹¹⁹⁾.

Iraq analyst Harith Hasan⁽¹²⁰⁾, in a report on stabilisation post-ISIL, gave the view that the al Sadr alliance's 2018 election victory was based on a populist discourse pushing for the need to tackle corruption and address poverty⁽¹²¹⁾. Similarly, in a July 2018 research paper on the elections by Renad Mansour and Christine Van den Toorn, the authors found that lower voter turnout was a sign of rejection of the political class that has governed Iraq since 2003, as voters perceived the problems of corruption and lack of services had not been addressed, allowing perceived 'outsiders' such as Muqtada al Sadr (Sairoon Alliance) and Hadi Al Ameri (Fateh Alliance) to make large electoral gains. The authors also note that most voters continued to vote along sectarian lines; however, the political coalitions formed in the May 2018 elections were 'more cross-sectarian' than in the past⁽¹²²⁾. In KRI also, low voter turnout was noted likely due to disillusionment with political elites, loss of territory in disputed areas, corruption and mismanagement of the KRI economy, similarly reflecting an electorate in transition, discontented with old parties but not willing to fully support new ones⁽¹²³⁾.

3.7 New 2018 Iraqi government

Without a clear winner with enough seats to form a government right after the May 2018 elections, parties/list winners were required to negotiate the formation of a coalition government; for this reason, Sadr entered negotiations to partner with Hadi Al Ameri's Fateh Alliance, and with PM Abadi's political bloc to create the foundation for a new coalition government with either one or the other⁽¹²⁴⁾. However, this move created discontent among Sadr supporters, who perceived it as a compromise to the established political elite; subsequently Sadr's offices were attacked in Babil during July 2018 protests in the south⁽¹²⁵⁾. Subsequently, two Shiite-led political blocs have emerged as of October 2018, each claiming to have the most seats and the right to govern: Haider al Abadi's bloc, which includes supporters of Muqtada al Sadr (largest winning list in Parliament), and the bloc aligned with the Fateh (second largest winning list), the Iranian-backed PMUs and former PM Nuri al-Maliki⁽¹²⁶⁾.

⁽¹¹⁸⁾ UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/677), 9 July 2018 ([url](#)), para. 6.

⁽¹¹⁹⁾ UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/677), 9 July 2018 ([url](#)), para. 47.

⁽¹²⁰⁾ Hasan Harith is a Non-Resident Senior Fellow at the Carnegie Middle East Center; was a Senior Research Fellow at the Central European University and Senior Non-Resident Fellow at the Atlantic Council, leading the US-based think tank's Iraq initiative. Carnegie-MEC, Harith Hasan, n.d. ([url](#)).

⁽¹²¹⁾ Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, Atlantic Council, July 2018 ([url](#)), p. 4.

⁽¹²²⁾ Mansour, R. and van den Toorn, C., The 2018 Iraqi Federal Elections, July 2018 ([url](#)), p. 6.

⁽¹²³⁾ Mansour, R. and van den Toorn, C., The 2018 Iraqi Federal Elections, July 2018 ([url](#)), p. 17.

⁽¹²⁴⁾ International Crisis Group, CrisisWatch Database – Iraq, June 2018 ([url](#)); ISW, Breaking Down Iraq's Election Results, 24 May 2018 ([url](#)).

⁽¹²⁵⁾ Mansour, R. and van den Toorn, C., The 2018 Iraqi Federal Elections, July 2018 ([url](#)), p. 14.

⁽¹²⁶⁾ AP, Iraq Has a New, Moderate President and Shiite Prime Minister, 3 October 2018 ([url](#)).

In mid-September 2018, Iraq's CoR elected the Speaker of the Iraqi Parliament, Muhammad al-Halbusi, a Sunni politician backed by the pro-Iranian bloc of Hadi Al Ameri ⁽¹²⁷⁾. He had 90 days from selection to form government ⁽¹²⁸⁾.

In October 2018, however, Prime Minister Adel Abdul-Mahdi (Shiite) was selected as Prime Minister of Iraq, to replace PM al-Abadi who has been in office since 2014 ⁽¹²⁹⁾. BBC states that he was nominated by the Shia majority in Parliament and previously was a leading figure in the Shia Islamic Supreme Council of Iraq (SCIRI) after 2003 with a pro-Iranian view ⁽¹³⁰⁾. He is described by the New York Times as a consensus candidate unaffiliated with any party, and with a 'reputation for secularism' ⁽¹³¹⁾. Mahdi was previously in 'various governments' as a vice-president and minister of oil and finance ⁽¹³²⁾. Within 30 days of selection, he was supposed to form Iraq's Cabinet ⁽¹³³⁾ and 14 Cabinet posts were successfully filled but key Ministries of Defence, Justice and Interior have remained unfilled as of October 2018 ⁽¹³⁴⁾.

Parliament selected Barham Salih, a Kurd, as President in a Parliamentary vote in October 2018 and he then appointed Shia PM Abdul-Mahdi to his post ⁽¹³⁵⁾. Salih, a former Prime Minister of Kurdistan Region, had his candidacy contested between the main Kurdish parties, the PUK and the KDP, who normally agree on the Kurdish candidate put forward for Iraqi President ⁽¹³⁶⁾. In the aftermath of the October 2017 Kurdish independence referendum, Salih is seen as a 'conciliatory' President, having sworn to protect Iraqi unity ⁽¹³⁷⁾.

3.8 Corruption

Iraq is among the countries with the highest corruption rates in the world, according to Transparency International (TI), who ranked Iraq as 169th out of 175 countries in its 2017 Corruption Perceptions Index, having a corruption level of 18 out of 100 (0 is highly corrupt; 100 is very clean) ⁽¹³⁸⁾. According to Bertelsmann Stiftung, the government under PM al Abadi behaves with more professionalism and responsibility than the previous government under PM al Maliki ⁽¹³⁹⁾, however, the governance institutions of Iraq are still described as 'largely dysfunctional' ⁽¹⁴⁰⁾ and governance failures are due to problems of corruption and economic mismanagement, according to Iraq expert, Renad Mansour ⁽¹⁴¹⁾. Ahmed Ali, a political analyst and expert on Iraq, stated that all the branches of government are criticised by the population and obstructed in their 'performance and independence' in practice ⁽¹⁴²⁾. In the Iraqi political system, there is a division of power-sharing that allocates ministries and public

⁽¹²⁷⁾ RFE/RL, Iraq Elects Pro-Iran Sunni As Parliament Speaker, 16 September 2018 ([url](#)).

⁽¹²⁸⁾ RFE/RL, Iraq Elects Pro-Iran Sunni As Parliament Speaker, 16 September 2018 ([url](#)).

⁽¹²⁹⁾ AP, Iraq Has a New, Moderate President and Shiite Prime Minister, 3 October 2018 ([url](#)).

⁽¹³⁰⁾ BBC News, Iraq country profile, 3 October 2018 ([url](#)).

⁽¹³¹⁾ New York Times (The), Iraq's New Leaders Seen as Technocrats, in a Break From Sectarian Politics, 2 October 2018 ([url](#)).

⁽¹³²⁾ BBC News, Iraq country profile, 3 October 2018 ([url](#)).

⁽¹³³⁾ AP, Iraq Has a New, Moderate President and Shiite Prime Minister, 3 October 2018 ([url](#)).

⁽¹³⁴⁾ Al Monitor, Iraqi prime minister faces pressure in forming his cabinet, 30 October 2018 ([url](#)); AP, Iraq lawmakers confirm new government but key posts are left empty, 25 October 2018 ([url](#)).

⁽¹³⁵⁾ AP, Iraq Has a New, Moderate President and Shiite Prime Minister, 3 October 2018 ([url](#)).

⁽¹³⁶⁾ New York Times (The), Iraq's New Leaders Seen as Technocrats, in a Break From Sectarian Politics, 2 October 2018 ([url](#)).

⁽¹³⁷⁾ New York Times (The), Iraq's New Leaders Seen as Technocrats, in a Break From Sectarian Politics, 2 October 2018 ([url](#)).

⁽¹³⁸⁾ TI, Iraq, n.d. ([url](#)); TI, Corruption Perceptions Index 2017, 21 February 2018 ([url](#)).

⁽¹³⁹⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 14.

⁽¹⁴⁰⁾ Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, July 2018 ([url](#)), pp. 2, 12-13.

⁽¹⁴¹⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p.12

⁽¹⁴²⁾ Ali, A., Mapping the Major Political Organizations and Actors in Iraq since 2003, 2 May 2018 ([url](#)), pp. 2-3.

institutions among parties which ‘facilitates the evolution of fiefdoms within the state structure’; as a result, parties, and those with their own militia wing, use this patronage and clientalism as a tool for power and economic opportunities in different sectors ⁽¹⁴³⁾. Political party patronage in the federal government and in Kurdistan is reportedly a major issue as nepotism and clientalism are the means by which appointments are made ⁽¹⁴⁴⁾. Corruption is described as ‘rampant’ ⁽¹⁴⁵⁾; existing at all levels with ‘organised corruption syndicates’ protected or involved with those in power ⁽¹⁴⁶⁾ and government decisions strongly influenced by bribery, nepotism, tribal, political influence, family and religious considerations ⁽¹⁴⁷⁾.

3.8.1 Efforts to fight corruption

Efforts to fight corruption have been officially undertaken by successive Iraqi governments since 2006 ⁽¹⁴⁸⁾ and also made by Prime Minister Abadi in recent years to respond to the public’s demands and mass protests ⁽¹⁴⁹⁾. In 2015, the Iraqi parliament unanimously passed a reform package to address corruption following mass public protests to do so, which led to the creation of an anti-corruption commission. As part of the package, several high level ministers were fired and senior posts were eliminated ⁽¹⁵⁰⁾. Aimed at reducing high level corruption, 11 Cabinet posts were eliminated, including the ministries of Human Rights, Women’s Affairs, and Provincial and Parliamentary Affairs ⁽¹⁵¹⁾. However, BTI notes ‘that there has been no holistic anti-corruption approach at all administrative and political levels, nor in the business sector. In the absence of systematic prosecution of office abuse, officials have no real incentive to give up the prospect of personal gains. Some isolated anti-corruption actions against influential political actors were either used to convince the public of the government’s commitment to fight corruption or to target opponents’ ⁽¹⁵²⁾. According to an Iraq analyst, Kirk Sowell, Abadi’s Shia political rivals also sought to undermine his anti-corruption efforts because they attempted ‘to establish an alternative political platform that could marginalize militia parties’; however, he also states that Abadi’s failure to enact effective implementation was because of the campaign’s focus on symbolic moves, the lack of political support from major Shia and Sunni blocs, and the failure to prosecute corruption of previous officials, which did not respond to public demands for change ⁽¹⁵³⁾. The government’s overall capacity to implement and convict officials with criminal penalties against corruption was limited ⁽¹⁵⁴⁾. According to BTI, deeply rooted patronage networks incorporate ‘political clientalism, nepotism, and tribal and family ties’ ⁽¹⁵⁵⁾.

⁽¹⁴³⁾ Hasan, H., *Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq*, July 2018 ([url](#)), pp. 2, 12-13.

⁽¹⁴⁴⁾ Hasan, H., *Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq*, Atlantic Council, July 2018 ([url](#)), p. 3.

⁽¹⁴⁵⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13, 24.

⁽¹⁴⁶⁾ Guardian (The), *Post-war Iraq: Everybody is corrupt from top to bottom. Including me*, 19 February 2016 ([url](#)).

⁽¹⁴⁷⁾ USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), pp. 35-26.

⁽¹⁴⁸⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

⁽¹⁴⁹⁾ Hasan, H., *Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq*, Atlantic Council, July 2018 ([url](#)), pp. 12-13; EU, *EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq*, 28 May 2018 ([url](#)), p. 157

⁽¹⁵⁰⁾ BBC News, *Iraq reforms: Parliament backs PM Haider al-Abadi’s plan*, 11 August 2015 ([url](#)).

⁽¹⁵¹⁾ RFE/RL, *Iraqi PM Scraps 11 Cabinet Posts in Reform Drive*, 16 August 2015 ([url](#)).

⁽¹⁵²⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

⁽¹⁵³⁾ Sowell, K. *Abadi’s Failed Reforms*, 17 November 2015 ([url](#)), accessed 23 July 2018.

⁽¹⁵⁴⁾ USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), pp. 35-36.

⁽¹⁵⁵⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 15.

3.8.2 2018 protests

Protests against corruption and the lack of basic services in the country have been organised nationwide in the past several years ⁽¹⁵⁶⁾ and are common in Iraq as well as the Kurdish region ⁽¹⁵⁷⁾. In July 2018, in southern Iraq, large-scale demonstrations were launched against corruption, and the lack of consistent electricity, clean water and public services ⁽¹⁵⁸⁾. Protesters stormed government buildings in Basra, Najaf, Karbala and a number of other cities in the south. The government security response resulted in injured protesters ⁽¹⁵⁹⁾, and arrests ⁽¹⁶⁰⁾, and lead to deaths in the midst of the protests ⁽¹⁶¹⁾, rising to at least 10 by September 2018 due to excessive force by authorities ⁽¹⁶²⁾. Protesters reportedly stormed Najaf airport for a day and also blocked routes to local oil refineries in Basra ⁽¹⁶³⁾ and border crossings to Kuwait ⁽¹⁶⁴⁾. In Basra, a group calling itself the Coordination Board for Peaceful Protests and Demonstrations in Basra announced in July 2018 a list of 14 demands for improved basic public services, education, health, unemployment, water, electricity, as well as issues of corruption and oil wealth distribution ⁽¹⁶⁵⁾. South of the city, residents blocked the road to the Umm Qasr port near Basra, causing the government to dispatch Counter-Terrorism Service (CTS) troops to Basra to protect oil fields ⁽¹⁶⁶⁾ and ‘protect demonstrators from harm’ ⁽¹⁶⁷⁾. The government ordered a ministerial committee to examine the demands of protesters in response to the demonstrations ⁽¹⁶⁸⁾. In mid-July 2018, the PM then issued 7 governmental resolutions to allocate funding to Basra, address service gaps in water, electricity and health sectors, accelerate investment in housing, education and public services, address unemployment in a ‘fair system’ that avoids nepotism, prevent water flow problems to the south including by intervention from security leaders, and dissolve the Najaf Airport Board of Directors ⁽¹⁶⁹⁾. Protests continued through September and October 2018 ⁽¹⁷⁰⁾.

4. Legal framework

The Republic of Iraq has a mixed legal system of both civil and Islamic law ⁽¹⁷¹⁾. Under the 2005 Constitution, ‘Islam is the official religion of the State and is a foundation source of legislation’, stating

⁽¹⁵⁶⁾ Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, Atlantic Council, July 2018 ([url](#)), p.3; Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 20.

⁽¹⁵⁷⁾ Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, Atlantic Council, July 2018 ([url](#)), p. 4; Mansour, R. and van den Toorn, C., The 2018 Iraqi Federal Elections, LSE Middle East Centre Report, July 2018 ([url](#)), p. 14; Carnegie MEC, Kurdistan’s Politicized Society Confronts a Sultanistic System, 18 August 2015 ([url](#)).

⁽¹⁵⁸⁾ EPIC, ISHM: July 13-19 2018, 19 July 2018 ([url](#)); Al Monitor, Iraqi protests escalate with no new government in sight, 16 July 2018 ([url](#)); Rudaw, Basra protest leaders issue 14 demands, condemn rioting, 16 July 2018 ([url](#)); Al Arabiya and Reuters, Iraqi protesters withdraw from Najaf airport, air traffic resumes, 13 July 2018 ([url](#)).

⁽¹⁵⁹⁾ Reuters, Iraqi protesters storm local government building amid anger over graft, 14 July 2018 ([url](#)); HRW, Iraq: Security Forces Fire on Protesters, 24 July 2018 ([url](#)); RFE/RL, Iraqi PM Urged To Resign Over Basra Unrest, 8 September 2018 ([url](#)).

⁽¹⁶⁰⁾ HRW, Iraq: Security Forces Fire on Protesters, 24 July 2018 ([url](#)).

⁽¹⁶¹⁾ Al Monitor, Iraqi protests escalate with no new government in sight, 16 July 2018 ([url](#)); EPIC, ISHM: July 13-19 2018, 19 July 2018 ([url](#)); Reuters, Two protesters killed in clashes with Iraqi police as unrest spreads in south, 15 July 2018 ([url](#)).

⁽¹⁶²⁾ Al, Iraq: Effective investigations needed into deaths of protesters in Basra, 7 September 2018 ([url](#)).

⁽¹⁶³⁾ Al Monitor, Oil installations hit by protests in Southern Iraq, 13 July 2018 ([url](#)).

⁽¹⁶⁴⁾ Al Arabiya and Reuters, Iraqi protesters withdraw from Najaf airport, air traffic resumes, 13 July 2018 ([url](#)).

⁽¹⁶⁵⁾ Rudaw, Basra protest leaders issue 14 demands, condemn rioting, 16 July 2018 ([url](#)).

⁽¹⁶⁶⁾ Reuters, Iraqi protesters storm local government building amid anger over graft, 14 July 2018 ([url](#)); Reuters, Iraq protests spread to Najaf in fifth day of unrest over services, corruption, 13 July 2018 ([url](#)).

⁽¹⁶⁷⁾ EPIC, ISHM: July 13-19 2018, 19 July 2018 ([url](#)).

⁽¹⁶⁸⁾ EPIC, ISHM: July 13-19 2018, 19 July 2018 ([url](#)).

⁽¹⁶⁹⁾ EPIC, ISHM: July 13-19 2018, 19 July 2018 ([url](#)).

⁽¹⁷⁰⁾ Reuters, Protesters torch political party offices in Basra’s fourth night of violence, 6 September 2018 ([url](#)); Al Jazeera, Basra unrest tops new Iraqi government agenda, 10 October 2018 ([url](#)).

⁽¹⁷¹⁾ US, CIA World Factbook – Iraq, n.d. ([url](#)).

that no law may contradict the established provisions of Islam, the principles of democracy, or the rights and freedoms stipulated in the Constitution ⁽¹⁷²⁾.

Iraq is a signatory to numerous international treaties and initiatives to protect the rule of law, including eight of the nine core international human rights laws: International Covenant on Civil and Political Rights (ICCPR), Committee on the Elimination of Discrimination Against Women (CEDAW), Committee on the Rights of the Child (CRC), Convention on Protection of Persons from Enforced Disappearances (ICPPED) and the UN Convention Against Torture (CAT) ⁽¹⁷³⁾.

4.1 Constitution and fundamental rights overview

The Iraqi Constitution provides guarantees for fundamental rights, rule of law, equal treatment before the law, equal participation, and judicial independence, as well as prohibition of discrimination on various grounds ⁽¹⁷⁴⁾. It also provides for

‘treatment with justice in judicial proceedings (Article 19(6)); participation in public affairs (Article 20); right to work (Article 22); and the preservation of the family, the protection of motherhood, childhood and old age, and the prohibition of child labor and violence in the family (Article 29). The Constitution also guarantees to all Iraqis, “especially women and children,” “social and health security,” “basic requirements for living a free and decent life,” and income and housing (Article 30), as well as health care (Article 31), care for the persons with disabilities (Article 32), and education (Article 34)’ ⁽¹⁷⁵⁾.

The Constitution also provides for freedom of expression, assembly and peaceful demonstration in accordance with the law (Article 38); freedom of association (Article 39), freedom of expression, freedom of personal status according to their religion (Article 41), and freedom of thought, conscience and belief (Article 42) ⁽¹⁷⁶⁾.

The Constitution prohibits all forms of violence and abuse in the family, however only KRI has a law against domestic violence ⁽¹⁷⁷⁾. In Iraq, the national draft ‘Family Protection Law’ which provides protections for gender and sexual-based violence, has not been passed and remains unimplemented ⁽¹⁷⁸⁾.

The Constitution of Iraq makes Islam the official religion of the country, but guarantees freedom of believe and practice for all individuals, including such as Christians, Yazidis, and Mandaen Sabeans ⁽¹⁷⁹⁾. According to the Iraqi Hammurabi Human Rights Organisation, the Constitution has created contradictory situations in the application of personal status laws that impact non-Muslims ⁽¹⁸⁰⁾. Regulations based on *Sharia* prevent conversion from Islam, and under Personal Status Laws, if a child has one Muslim parent, the child is considered Muslim ⁽¹⁸¹⁾.

⁽¹⁷²⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁷³⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), p. 4; UN OHCHR, View ratification status by country or by treaty – Iraq, n.d. ([url](#)).

⁽¹⁷⁴⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 9.

⁽¹⁷⁵⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), p. 5.

⁽¹⁷⁶⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁷⁷⁾ HRW, Iraq: Strengthen Domestic Violence Bill, 19 March 2017 ([url](#)).

⁽¹⁷⁸⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. vii, para. 5.2; HRW, World Report 2018 – Iraq, 9 January 2018 ([url](#)).

⁽¹⁷⁹⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), Unofficial English version available at: ([url](#)), Article 2 (2).

⁽¹⁸⁰⁾ HHRO, Annual Report 2017 – On the situation of Human Rights in Iraq, May 2018 ([url](#)), p. 13.

⁽¹⁸¹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 14.

The KRI has adopted a 2015 law ensuring protection of ethnic and religious groups, however it does not criminalise hate crimes, or establish a formal body to monitor implementation ⁽¹⁸²⁾. The UN commented that these ‘laws are often not supported by implementation mechanisms’ or face severe constraints due to lack of resources for implementation due to economic strain ⁽¹⁸³⁾.

4.2 Criminal law and anti-terrorism laws

Article 19 of the Iraqi Constitution provides guarantees that crime and punishment shall be treated under the law, and that ‘punishment shall only be for an act that the laws considers a crime when perpetrated’ ⁽¹⁸⁴⁾. Article 19 also provides the right to legal defence in all phases of investigation and trial, the right to fair and just trial proceedings under the presumption of innocence, as well as the guarantee of a court-appointed defence lawyer for legal aid purposes ⁽¹⁸⁵⁾. The same Article states that ‘unlawful detention shall be prohibited’ as well as ‘imprisonment and detention shall be prohibited in places not designed for these purposes’ ⁽¹⁸⁶⁾. Preliminary investigation documentation must be provided to a competent judge no more than 24 hours after the time of arrest, which can only be extended once ⁽¹⁸⁷⁾. The Constitution also prohibits torture, inhumane treatment, and coerced confessions under Article 37 ⁽¹⁸⁸⁾.

National Iraqi courts are responsible for applying the Iraqi Penal Code No 111 of 1969 and the Iraqi Criminal Procedures Code No 23 of 1971 in line with general constitutional guarantees relating to the punishment of crime ⁽¹⁸⁹⁾. Iraqi criminal law contains ‘some provisions ensuring due process and fair trial’ ⁽¹⁹⁰⁾. The Criminal Procedure Code allows for legal procedural guarantees such as the right to legal counsel prior to questioning and the prohibition of mistreatment to extract confessions ⁽¹⁹¹⁾. In 2014, PM Abadi issued an Executive Order that prohibits the arrest and detention of persons except on the order of a competent judge or court in line with the Criminal Procedure Code and only by legally competent authorities, requiring registration of the individual with the Ministry of Justice within 24 hours while giving relevant information about the detainee and reasons for detention ⁽¹⁹²⁾.

The Anti-Terrorism Law No. 13 of 2005 provides a broad definition of terrorism ⁽¹⁹³⁾. Under the Anti-Terrorism Law of 2005, the death penalty is mandatory for those convicted of committing, threatening, inciting, planning, aiding/abetting, or financing terrorism as principles or accomplices ⁽¹⁹⁴⁾. The UN states the law is ‘vague in its application’ and ‘does not include process and fair trial guarantees’ ⁽¹⁹⁵⁾. Article 4 of the Anti-Terrorism law, which permits the death penalty, has reportedly been used by former PM Maliki to target political leaders in the past; human rights groups have been

⁽¹⁸²⁾ UNAMI, Report on Human Rights in Iraq: January to June 2017, 14 December 2017 ([url](#)), p. 16.

⁽¹⁸³⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), pp. 6-7.

⁽¹⁸⁴⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁸⁵⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁸⁶⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁸⁷⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁸⁸⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)).

⁽¹⁸⁹⁾ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 ([url](#)), para. 52.

⁽¹⁹⁰⁾ UNAMI, Report on Human Rights in Iraq: January to June 2017, 14 December 2017 ([url](#)), pp. 3-4.

⁽¹⁹¹⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 61.

⁽¹⁹²⁾ Iraq, Prime Minister Dr. Haider Al-Abadi Issues Executive Order No. 57, 2 December 2014 ([url](#)); USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 9;

⁽¹⁹³⁾ UNAMI, Report on Human Rights in Iraq: January to June 2017, 14 December 2017 ([url](#)), pp. 3-4.

⁽¹⁹⁴⁾ UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 9.

⁽¹⁹⁵⁾ UNAMI, Report on Human Rights in Iraq: January to June 2017, 14 December 2017 ([url](#)), pp. 3-4.

critical of the handling of ISIL suspects under this law, which they claim has created large-scale due process violations ⁽¹⁹⁶⁾.

In the KRI, the Iraqi Penal Code and Penal Procedure Code apply ⁽¹⁹⁷⁾. Terrorism is prosecuted in KRI under the Anti-Terrorism Law (No. 3 of 2006), which expired in July 2016 ⁽¹⁹⁸⁾, and was later renewed in July 2018 ⁽¹⁹⁹⁾. The Kurdistan anti-terrorism law also permits the death penalty ⁽²⁰⁰⁾. In December 2017, KRG ratified the General Amnesty Law No. 4 of 2017, which allows for reduction of sentences for some offences that occurred prior to the enactment, and the conversion of death sentences to 15 years in prison where reconciliation before a committee occurs with the victims and where the victims are in agreement with the reduction ⁽²⁰¹⁾.

The UN has expressed concern that the anti-terrorism laws in Iraq and KRI are not in conformity with international human rights standards ⁽²⁰²⁾.

Iraq also has an anti-trafficking law which, however, does not apply in the KRI ⁽²⁰³⁾. The law's prescribed penalties were 'sufficiently stringent' according to USDOS: up to 15 years imprisonment and fines of USD 8 580 for trafficking adult male victims and up to life imprisonment and fines of USD 12 860-21 440 for trafficking female of child victims ⁽²⁰⁴⁾. However, government capacity to provide resources in Iraq and KRI to fight trafficking was limited due to lack of resources, conflict, and reconstruction needs ⁽²⁰⁵⁾.

4.3 Arrest and detention procedures

The UK Embassy in Baghdad states that what 'should occur' in arrest procedures is that an investigative judge issues a warrant, and the target of the warrant has to appear before a judge within 24 hours to hear the allegations. The arrested person should be advised that they have the right to remain silent and to an attorney, during a process called the 'initial hearing or notification of investigation' ⁽²⁰⁶⁾. Arrested persons may be held up to 72 hours, unless it is an offence punishable by death, in which case, authorities can detain a person for the length of the judicial process ⁽²⁰⁷⁾. The UK Embassy also explains that a person can be held on criminal charges for up to 24 hours, and up to 72 hours prior to being formally indicted and presented to court ⁽²⁰⁸⁾. The UK Embassy writes that arrested people 'should be transferred' to the Ministry of Justice detention facilities ⁽²⁰⁹⁾. However, UNAMI writes that after arrest, the person is held at facilities administered by the detaining authority

⁽¹⁹⁶⁾ Mansour, R., *Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation*, February 2018 ([url](#)), p. 24.

⁽¹⁹⁷⁾ UK, British Consulate-General Erbil, *Information Pack for British Prisoners in Kurdistan Region of Iraq*, July 2018 ([url](#)), pp. 9-10.

⁽¹⁹⁸⁾ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq*, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 21.

⁽¹⁹⁹⁾ Al Monitor, *Renewal of anti-terror law threatens human rights in Kurdistan*, 19 July 2018 ([url](#));

⁽²⁰⁰⁾ UN Human Rights Council, *Technical assistance provided to assist in the promotion and protection of human rights in Iraq* (A/HRC/30/66), 27 July 2015 ([url](#)), para. 80.

⁽²⁰¹⁾ UNAMI, *Report on Human Rights in Iraq – July to December 2017*, 8 July 2018 ([url](#)), p. 4.7.1

⁽²⁰²⁾ UN Human Rights Council, *Technical assistance provided to assist in the promotion and protection of human rights in Iraq* (A/HRC/30/66), 27 July 2015 ([url](#)), paras. 78-80.

⁽²⁰³⁾ USDOS, *Trafficking in Persons Report 2018 – Iraq*, 28 June 2018 ([url](#)), p. 231.

⁽²⁰⁴⁾ USDOS, *Trafficking in Persons Report 2018 – Iraq*, 28 June 2018 ([url](#)), p. 231.

⁽²⁰⁵⁾ USDOS, *Trafficking in Persons Report 2018 – Iraq*, 28 June 2018 ([url](#)), p. 233.

⁽²⁰⁶⁾ UK, Embassy in Baghdad, *Information Pack for British Prisoners in Iraq (not including Kurdistan)*, September 2017 ([url](#)), p. 9.

⁽²⁰⁷⁾ USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), p. 12.

⁽²⁰⁸⁾ UK, Embassy in Baghdad, *Information Pack for British Prisoners in Iraq (not including Kurdistan)*, September 2017 ([url](#)), p. 9.

⁽²⁰⁹⁾ UK, Embassy in Baghdad, *Information Pack for British Prisoners in Iraq (not including Kurdistan)*, September 2017 ([url](#)), p. 9.

(²¹⁰). The UK Baghdad Embassy writes that ‘investigating prosecutors and judges can order the detention of suspects for six months, renewable almost indefinitely’ (²¹¹).

Under Iraqi Criminal Procedure Law No. 23 of 1971, which applies in both Iraq and KRI, a person who is arrested has the right to remain silent prior to questioning, and has the right to an attorney. The UK Consulate-General in Erbil states that detainees are supposed to be questioned within 24 hours of arrest and do not have the right to detain and hold arrestees without initiating an investigation (²¹²).

KRG states that under the Kurdistan Counter-Terrorism Act No. 3 of 2006 and the Iraqi Penal Code, the arrest procedure is ‘subject to judicial jurisprudence and not arbitrary’:

‘There is a clearly defined arrest procedure by which individuals are brought into custody. This arrest procedure is initiated through intelligence and information gathered by or relayed to the Asayish regarding an individual who poses a security threat. The information is subsequently relayed to a judge who chooses whether or not to issue an arrest warrant for that designated individual or individuals. If the court decides to issue an arrest warrant, the Asayish security forces are then permitted to conduct the arrest’ (²¹³).

Upon arrival at the police station, a person is asked to give a statement to authorities through a first round of questioning by a police officer. A second round of questioning will occur; this is done by the Criminal Investigator, who will also ask questions, possibly the same ones. The notes are taken by the police officer and the investigator and given to the Criminal Court judge who reviews the notes. Based on the judge’s review of the case, he/she will decide whether to remand the suspect in custody or release them. In many cases, the criminal court judge will not release a person unless they provide a monetary bail guarantee or a ‘sponsor’ in Kurdistan who will assure the court that the suspect will not flee. The same source notes that a judge ‘has the power and discretion to decide that there is no evidence’ and to drop the case (²¹⁴). Individuals are remanded in custody until investigation is complete and ‘[t]here is no fixed time limit; the Judge is free to exercise his discretion’ (²¹⁵).

4.4 Authority to arrest and detain

Numerous security, law enforcement, intelligence agencies and regular armed forces units are responsible for maintaining order in Iraq (²¹⁶) and have overlapping responsibilities that include counter-terrorism, frontline fighting, and law enforcement (²¹⁷). Legal responsibility and powers of arrest and detention are split across different security forces and their respective ministries of defence, interior, counter-terrorism, or the Prime Minister’s Office (²¹⁸). Kurdish forces arrest and detain suspects in KRG-controlled areas; in disputed areas, it is jurisdictionally unclear, a situation exacerbated by ISIL’s control in some areas during 2017 (²¹⁹).

(²¹⁰) UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 12

(²¹¹) UK, Embassy in Baghdad, Information Pack for British Prisoners in Iraq (not including Kurdistan), September 2017 ([url](#)), p. 9.

(²¹²) UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 ([url](#)), pp. 9-10.

(²¹³) Iraq, KRG, Clarification on Human Rights Watch (HRW) Report, 4 March 2018 ([url](#)).

(²¹⁴) UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 ([url](#)), pp. 6-7.

(²¹⁵) UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 ([url](#)), pp. 9-10.

(²¹⁶) USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 10; USDOS, Country Reports on Terrorism 2017 – Iraq, 6 September 2018 ([url](#)).

(²¹⁷) USDOS, Country Reports on Terrorism 2017 – Iraq, 6 September 2018 ([url](#)).

(²¹⁸) UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 11

(²¹⁹) USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 12.

Human Rights Watch notes that while arrest and detention procedures fall under the Iraqi Penal Code and Criminal Procedures Code, they allow for police and ‘crime scene officers’ to detain and interrogate suspects with a warrant ⁽²²⁰⁾. Specifically, the law ‘defines crime scene officers broadly, making it impossible to ascertain which forces are included’ ⁽²²¹⁾. The Australian Department of Foreign Affairs (DFAT) states that the security forces had ‘broad discretion’ over powers of arrest during times of emergency declared by the government ⁽²²²⁾. Due to the conflict with ISIL, units of the security forces moved beyond their original roles and in practice, ‘almost all units’ contributed to daily counterterrorism operations ⁽²²³⁾. Multiple agencies such as MoI, MoD, the Ministry of National Security Affairs and the Iraqi National Intelligence Service also develop terrorism intelligence and compile target lists ⁽²²⁴⁾.

After arrest, the person is held at facilities administered by the detaining authority ⁽²²⁵⁾. The Ministries of Justice, Defence, Interior, Labour and Social Affairs are all authorised to hold pre-trial detainees in Iraq ⁽²²⁶⁾. Intelligence services also operated detention facilities and claimed authority to arrest, detain and interrogate suspects, though Human Rights Watch stated there was an unclear legal mandate to do so ⁽²²⁷⁾. Make shift detention also occurred in ISIL-liberated areas ⁽²²⁸⁾.

The Iraqi Correctional Service has the legal authority to hold persons after conviction ⁽²²⁹⁾.

5. Security institutions

5.1 ISF command and structure

The Iraqi Security Forces (ISF) refers to the formal military and security forces reporting to the Ministry of Defence (MoD), Ministry of Interior (MoI), through the Council of Ministers ⁽²³⁰⁾. The Prime Minister is the Commander in Chief of the Armed Forces ⁽²³¹⁾. PM Abadi abolished the Maliki-era Office of the Commander-in-Chief and replaced it with the Joint Operations Command (JOC) ⁽²³²⁾. The Joint Operations Command is the highest headquarters of the ISF leadership with oversight over all operations commands and sometimes taking direct command of subordinate units ⁽²³³⁾. The JOC is mandated to coordinate the Ministry of Defence, Counter Terrorism Service (CTS), Prime Minister’s Special Forces Division, Presidential Brigades, the Ministry of Interior, and the Popular Mobilisation Committee (PMC) ⁽²³⁴⁾.

⁽²²⁰⁾ HRW, Iraq: Intelligence Agency Admits Holding Hundred Despite Previous Denials, 22 July 2018 ([url](#)).

⁽²²¹⁾ HRW, Iraq: Intelligence Agency Admits Holding Hundred Despite Previous Denials, 22 July 2018 ([url](#)).

⁽²²²⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 25.

⁽²²³⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 42.

⁽²²⁴⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 15.

⁽²²⁵⁾ UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 12.

⁽²²⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 13.

⁽²²⁷⁾ HRW, Iraq: Intelligence Agency Admits Holding Hundred Despite Previous Denials, 22 July 2018 ([url](#)).

⁽²²⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 43.

⁽²²⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p.7.

⁽²³⁰⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 10.

⁽²³¹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 10.

⁽²³²⁾ See the chain of command diagram on page 60 available in: ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 60.

⁽²³³⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 12.

⁽²³⁴⁾ See the chain of command diagram on page 60 available in: ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 60.

The Iraqi Constitution sets out that there should be no military militias; however, both the CTS and the PMUs are outside the authority of the Ministry of Interior and the Ministry of Defence ⁽²³⁵⁾ and report to the Prime Minister ⁽²³⁶⁾. Under the Constitution, KRI has the right to its own forces, financially supported by the Iraqi government but operationally controlled by KRG ⁽²³⁷⁾. Human Rights Watch described them as formally part of the Iraqi security forces, but independent ⁽²³⁸⁾. Kurdish forces are discussed in [Section 8](#).

ISF units are mobile, rather than being permanently deployed to any regional operations command. ISF divisions maintain headquarters all over Iraq and are often ‘forward deployed’ far from their usual headquarters. Regional operations commands are ‘standing operational-level headquarters’ responsible for supervision of all ISF units in their geographic boundaries ⁽²³⁹⁾. The ISF has twelve operational commands across Iraq, each of them having respective geographic areas of responsibility ⁽²⁴⁰⁾.

Despite merging forces under the ISF to fight against ISIL, inter-institutional rivalry and competition causes a ‘fraught relationship’ between Iraqi security forces, PMUs, Peshmerga, Sunni PMUs and local tribal forces ⁽²⁴¹⁾. Forces located in areas recently liberated from ISIL also try to influence local police and security institutions ⁽²⁴²⁾. Iraq’s security agencies, institutions and ministries are described as ‘competing fiefdoms in a struggle for resources, power, and influence’ ⁽²⁴³⁾. For example, there have been reports of ISF forces commonly turning their weapons on each other during the battle for Mosul, and allegations that inter-service disputes have led to assassinations and kidnappings by PMUs ⁽²⁴⁴⁾.

Iraqi security forces maintain a significant presence in most major urban centres to limit ‘terrorist, insurgent, and militia activity’ ⁽²⁴⁵⁾. However, due to the fight against ISIL in the rest of Iraq, security voids have been left, for example, southern Iraqi law enforcement and security forces departed Basrah which has resulted in a dramatic rise in robbery, murder, drug trafficking and kidnapping, as well as rising PMU militia power in 2017-2018 ⁽²⁴⁶⁾.

Governorate-level authorities held little influence over the security forces operating in their territory with most operational decisions being made in Baghdad ⁽²⁴⁷⁾. Furthermore, sources state that decisions about recruitment, deployment, and senior command appointments are most often made by the central government without governorate input ⁽²⁴⁸⁾.

The government has made reform efforts such as adopting a National Security Strategy for Iraq, promulgating laws on the Ministry of Interior and the CTS in 2016, and developing roadmaps for reform and civilian policing in liberated areas, as well as joint work with UNDP on security sector

⁽²³⁵⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 22.

⁽²³⁶⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 26.

⁽²³⁷⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽²³⁸⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 40.

⁽²³⁹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 12.

⁽²⁴⁰⁾ See chart on page 57 available in: ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)).

⁽²⁴¹⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 7.

⁽²⁴²⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 7.

⁽²⁴³⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽²⁴⁴⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 43.

⁽²⁴⁵⁾ OSAC, Iraq 2018 Crime & Safety Report: Basrah, 20 March 2018 ([url](#)); OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

⁽²⁴⁶⁾ OSAC, Iraq 2018 Crime & Safety Report: Basrah, 20 March 2018 ([url](#)).

⁽²⁴⁷⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. 29, 32-33.

⁽²⁴⁸⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 29.

reform ⁽²⁴⁹⁾. As part of its EU Strategy on Iraq, the EU provides support to the Office of the National Security Advisor and MoI in support of implementing the civilian aspects of National Security Strategy ⁽²⁵⁰⁾.

5.2 Ministry of Defence and Iraqi Army

5.2.1 Mandate and structure

The Ministry of Defence is responsible for conventional military forces involved in national defence, but also carrying out anti-terrorism and ‘internal security operations’ in conjunction with the Ministry of Interior ⁽²⁵¹⁾. In areas where ISIL has been fought, the Iraqi Army has taken on law enforcement tasks, for example, in Ninewa, where much of the provincial police responsibilities and ‘security void’ post-ISIL was filled by the IA ⁽²⁵²⁾. Some divisions are also co-deployed with Federal Police as part of ISF Regional Operational Commands. Regional Operations Commands of the ISF are structured with the following IA units, according to ISW’s 2017 report on IA and PMU Orders of Battle:

- **Anbar Operations Command (AOC):** Responsible for Ramadi and Fallujah and surrounding desert areas; 1st, 2nd, 3rd Brigades, along with several unattributed brigades; this brigade is ‘always Sunni’;
- **Babil Operations Command (BabOC):** Responsible for Babil and southern Baghdad belts including Jurf al Sakhr which has been ‘intentionally depopulated’;
- **Baghdad Operations Command (BOC):** Responsible for security in Baghdad and most of the Baghdad belts; described as the ‘best-resourced of the ISF commands’; composed of the 6th Army Division in Karkh and 9th Army Division in Rusafah, 1st Federal Police Division ⁽²⁵³⁾;
- **Basra Operations Command (BasOC):** Holds *de jure* responsibility for Basra province; unable to secure presence due to lack of manpower and strength of PMU militias; 14th Army Division, made up on five army brigades; the only one present is 64th brigade;
- **Dijla Operations Command (DOC):** 5th Army Division; responsible for all of Diyala, eastern Salahaddin, Tuz Khurmutu, Alas and Ajil oil fields and Hamrin Mountains; these are areas of priority to Iran and Badr Organisation, and according to ISW, the army command is responsive to Badr;
- **Jazeera and Badia Operations Command (JBOC):** Responsibility for one of the largest geographic commands covering most of Anbar west of Ramadi, Rutba district, and Jazeera and Badia deserts; it consists of the understaffed divisions of the 7th Infantry Division, which relies heavily on tribal fighters, operating alongside PMUs and Border Guards brigades ⁽²⁵⁴⁾;
- **Mid-Euphrates Operations Command (MEOC):** MEOC is responsible for the cities of Najaf and Karbala, desert sectors around the cities, and southern Anbar’s district of Nukhaib; Composed of the 8th and 17th Army Divisions, with many Shia militias supplementing security;
- **Ninewa Operations Command (NOC):** 15th Army Division, 16th Army Division, 3rd Federal Police Division; responsible for all operations to recapture Ninewa from ISIL control;
- **Salah al-din Operations Command (SDOC):** Responsible for the northern half of Salah al-Din, including cities of Tikrit, Baiji, Shirwat; proposed to be covered by 20th Division;
- **Samarra Operations Command (SOC):** Responsible for Samarra, Jazeera desert west of Samarra, and southern Salah al-Din; 15th IA from NOC operates here, as does the 5th Division

⁽²⁴⁹⁾ ANCSS, Public Safety and Security Perception Survey in Iraq 2017, 22 January 2018 ([url](#)), p. 50.

⁽²⁵⁰⁾ EU, EEAS, The EU and Iraq, 9 January 2018 ([url](#)); EU, EEAS, EU Advisory Mission in Support of Security Sector Reform in Iraq (EUAM Iraq), November 2017 ([url](#)).

⁽²⁵¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽²⁵²⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. iii-iv.

⁽²⁵³⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 14-15.

⁽²⁵⁴⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 16-18.

of the FP; Shia militias reportedly ‘proliferate’ in the area and have ‘freedom of movement and action’;

- **Rafidain Operations Command:** 10th Army Division and 11th Army Division have responsibility for Muthanna, Dhi War, Maysan, Qadisiyah and Wasit provinces with most ISF being forward deployed to combat ISIL or protect Baghdad. ISW deems their security capacity vulnerable due to ROC’s overstretched resources across the region ⁽²⁵⁵⁾.

5.2.2 Capacity and effectiveness

The Iraqi Army collapsed in June 2014 in the face of the fight against ISIL ⁽²⁵⁶⁾. After the fall of Mosul to ISIL, the ISF’s capacity was very poor, with tens of thousands of desertions, lack of training, equipment, and competent leadership. Out of Iraq’s 243 combat battalions, 60 were gone, and 5 of Iraq’s 14 Army divisions were ineffective or disappeared ⁽²⁵⁷⁾. Between May 2014 and January 2015, the Iraqi Army dropped from 55 brigades (110 000 strength) to 36 brigades (54 000 strength) ⁽²⁵⁸⁾. In the midst of security void created by the collapse of the Iraqi army and police, Shia-based militias such as Badr Organisation, Asaib al ahl Haq and Kataib Hezbollah mobilised and a large number of volunteers joined the ranks ⁽²⁵⁹⁾. The legalisation of the PMUs as an official part of the Iraqi security apparatus in 2016 has reportedly undermined the restructuring of the security forces ⁽²⁶⁰⁾.

In January 2016, frontline strength of the Iraqi Army was estimated to be 81 000 ⁽²⁶¹⁾. As part of efforts to strengthen Iraqi forces against ISIL, between September 2015 and 2017, international coalition forces trained more than 100 000 ISF members, including 43 000 members of the Iraqi army to rebuild its forces ⁽²⁶²⁾.

On 9 December 2017, PM al Abadi formally declared that ISIL had been militarily defeated after conflicts which began in June 2014 ⁽²⁶³⁾. UNAMI states that the government and ISF have regained control over Syrian-Iraqi border areas and western Anbar and Ninewa, and ISIL’s territorial control decreased between July-December 2017, though the group continued to intentionally target civilians ⁽²⁶⁴⁾. Security forces also continue to be targeted by ISIL, particularly in Ninewa province ⁽²⁶⁵⁾. The military campaign to eliminate ISIL control over territory has significantly reduced its capabilities; however, the group continues to operate ⁽²⁶⁶⁾. In March 2018, the US Department of Defence reported that with the help of international forces, Iraq’s urban centres have been taken back from ISIL control ⁽²⁶⁷⁾. US authorities stated in April-June 2018 that the US’s military campaign against ISIL had driven down the group’s capability such that Iraqi forces ‘should be’ able to maintain security with limited

⁽²⁵⁵⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 19-23.

⁽²⁵⁶⁾ EU, EASO, EASO COI Meeting Report – Iraq: Practical Cooperation Meeting 25-26 April 2017 (Source: Joost Hiltermann), July 2017 ([url](#)), p. 11; International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽²⁵⁷⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 35.

⁽²⁵⁸⁾ Knights, M., The Future of Iraq’s Armed Forces, March 2016 ([url](#)), p. 23.

⁽²⁵⁹⁾ EU, EASO, EASO COI Meeting Report – Iraq: Practical Cooperation Meeting 25-26 April 2017 (Source: Joost Hiltermann), July 2017 ([url](#)), p. 11; International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽²⁶⁰⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 29.

⁽²⁶¹⁾ Knights, M., The Future of Iraq’s Armed Forces, March 2016 ([url](#)), p. 23.

⁽²⁶²⁾ US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve: Report to the United States Congress – July 1 2017-September 30 2017, November 2017 ([url](#)), p. 16.

⁽²⁶³⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 1; UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 29.

⁽²⁶⁴⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 1.

⁽²⁶⁵⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. 2-4.

⁽²⁶⁶⁾ US, Leading Inspector General Special Report: Observations from Travel to Iraq, Afghanistan, and Qatar, March 2018 ([url](#)), p. 3.

⁽²⁶⁷⁾ US, Leading Inspector General Special Report: Observations from Travel to Iraq, Afghanistan, and Qatar, March 2018 ([url](#)), p. 3.

international support ⁽²⁶⁸⁾. However, security analysts interviewed in media stated that Iraqi forces were rebuilt to take cities from ISIL, but have not acquired sufficient skills to defeat ISIL in the form of a lengthy counter-insurgency ⁽²⁶⁹⁾, and are ‘unprepared’ for the underground insurgency against ISIL, lacking skills, training, as well as local knowledge and trust in areas where ISIL is re-emerging ⁽²⁷⁰⁾.

Much of the government’s budget is reportedly allocated to defence ahead of other sectors which remain underfunded ⁽²⁷¹⁾. The legalisation of the PMUs as another security actor under the umbrella of the state has added to the state’s financial burden as these forces’ salaries and equipment are paid from central budgets ⁽²⁷²⁾. The Ministry of Defence reportedly struggles to pay salaries and attract recruits in comparison with the PMUs ⁽²⁷³⁾.

In 2014, Prime Minister al-Abadi launched anti-corruption efforts in the security sector, leading to the dismissal of a number of senior army and police commanders as well as [50,000] “ghost soldiers” and police ⁽²⁷⁴⁾. According to Bertelsmann Stiftung, Abadi’s efforts to reform the security sector are ‘considered by al-Abadi’s critics to be necessary but insufficient’. The source gave the view that to date, ‘al-Abadi has not made substantive progress in regards to this phenomenon’ ⁽²⁷⁵⁾.

The EU External Action Service stated in its 2017 report that Iraqi ‘government forces have been seriously stretched and depleted, particularly senior and elite ranks’ ⁽²⁷⁶⁾. Since 2014, the central government has largely been dependent on militias (PMUs) to fight back against ISIL and to regain and hold territory taken from ISIL ⁽²⁷⁷⁾. In July 2018, International Crisis Group also stated that, except for the KRI, the central government lacked the capacity to patrol the entire country, causing them to be dependent on the PMU/Hashd capabilities in holding against ISIL during continued ‘mop-up operations’ ⁽²⁷⁸⁾.

5.2.3 Integrity

DFAT assessed that the central government had limited ability to exert ‘centralised control’ over the ISF forces deployed to the field ⁽²⁷⁹⁾. According to ISW, the PMU and Badr Organisation in particular has to some extent infiltrated and exerted control over some elements of the Iraqi military forces under the MoD ⁽²⁸⁰⁾.

The Iraqi Army had a contentious relationship with the Sunni population in Nineveh prior to ISIS and was known for commonly being involved in ‘checkpoint abuses’, though it has improved its image with a reduced role in Ninewa’s cities post-ISIL. The Sunni population in Ninewa reportedly prefers ‘institutional security forces’ such as IA over the PMF units ⁽²⁸¹⁾. The IA forces are also perceived as

⁽²⁶⁸⁾ US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve and Operation Pacific Eagle-Philippines – April 1 2018-June 30 2018, August 2018 ([url](#)), pp. 19, 38-39; ISW, ISIS’s Second Resurgence, 2 October 2018 ([url](#)).

⁽²⁶⁹⁾ Intercept (The), The Underground Caliphate, 16 September 2018 ([url](#)).

⁽²⁷⁰⁾ Intercept (The), The Underground Caliphate, 16 September 2018 ([url](#)).

⁽²⁷¹⁾ Bertelsmann Stiftung, BTI 2018 Country Report – Iraq, 2018 ([url](#)), p. 27.

⁽²⁷²⁾ Bertelsmann Stiftung, BTI 2018 Country Report – Iraq, 2018 ([url](#)), p. 30.

⁽²⁷³⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 199.

⁽²⁷⁴⁾ Reuters, Iraq says it found 50,000 ‘ghost soldiers’ on the payroll, 1 December 2014 ([url](#)); Bertelsmann Stiftung, BTI 2018 Country Report – Iraq, 2018 ([url](#)), pp. 28, 31.

⁽²⁷⁵⁾ Bertelsmann Stiftung, BTI 2018 Country Report – Iraq, 2018 ([url](#)), pp. 28, 31.

⁽²⁷⁶⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 156.

⁽²⁷⁷⁾ Bertelsmann Stiftung, BTI 2018 Country Report – Iraq, 2018 ([url](#)), pp. 3, 14.

⁽²⁷⁸⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 17.

⁽²⁷⁹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 27.

⁽²⁸⁰⁾ ISW, 11 July 2018, email to EASO.

⁽²⁸¹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 16.

less sectarian and corrupt than the Federal Police ⁽²⁸²⁾. Since the defeat of ISIL, the Iraqi Army's reputation and popularity have rebounded following their collapse in 2014 ⁽²⁸³⁾. However, many Sunnis, though they are grateful for freedom from ISIS 'remain deeply suspicious of the Iraqi state and its security forces (...) whom they accuse of arbitrary arrests, looting and forced evictions.' ⁽²⁸⁴⁾

The primary target of the ISF is individuals suspected of ISIL affiliation, who are often Sunni Arab males in their twenties, according to the Danish and Norwegian fact-finding mission of November 2018 ⁽²⁸⁵⁾. The Danish Immigration Services (DIS) noted in November 2018 that an Iraq analyst interviewed in May 2018 stated that there were fewer reports of human rights violations committed by the ISF and that both the army and police were working to rebuild their image ⁽²⁸⁶⁾. Ministry of Defence forces were reported to be involved in torturing and killing detainees and committing extra-judicial killings, and summary executions according to USDOS in 2017 ⁽²⁸⁷⁾.

5.3 Ministry of Interior and police

5.3.1 Mandate, structure, capacity

As of October 2018, the Prime Minister of Iraq is acting as the Minister of Interior ⁽²⁸⁸⁾. Previously, Ministers of Interior have had close ties with Badr Organisation: The Minister of the Interior was Qasim al-Araji [until October 2018]. Like his predecessor, Mohhamed al-Ghabban, al-Araji is a senior member of the Badr Organisation ⁽²⁸⁹⁾ and has close ties with Iran ⁽²⁹⁰⁾. Minister Al-Araji was previously arrested by US forces during the period following the 2003 US invasion of Iraq for alleged involvement in terrorist attacks against coalition forces but was never convicted ⁽²⁹¹⁾. He entered politics and was elected as a Member of Parliament in 2014 ⁽²⁹²⁾.

Routine policing ⁽²⁹³⁾, law enforcement and domestic order are the responsibility of the Ministry of Interior ⁽²⁹⁴⁾. MoI oversees the governorate level local police (sometimes referred to as the Iraqi Police Service, IPS) and the Iraqi Federal Police (formerly called the Iraqi National Police). ⁽²⁹⁵⁾ The work of the police is governed by the Penal (or Criminal) Procedure Law. ⁽²⁹⁶⁾ However, police are also engaged in counterterrorism with their functions being overshadowed by militias during the fight against ISIL. ⁽²⁹⁷⁾

Ministry of Interior forces were reported to have an authorised strength of 531 000 in 2013, across the Iraqi Police Service, Iraqi Federal Police, border enforcement, facilities protection police and the oil police ⁽²⁹⁸⁾. Due to 'ghost soldiering' actual figures of police personnel have been difficult to

⁽²⁸²⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 93.

⁽²⁸³⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 16.

⁽²⁸⁴⁾ Intercept (The), Justice for the Enemy, 17 June 2018 ([url](#)).

⁽²⁸⁵⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 24.

⁽²⁸⁶⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 24.

⁽²⁸⁷⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 3.

⁽²⁸⁸⁾ Al Monitor, Iraqi prime minister faces pressure in forming his cabinet, 30 October 2018 ([url](#));

⁽²⁸⁹⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)); ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p.24.

⁽²⁹⁰⁾ Al Monitor, Iraqi police who fought for tribal PMUs won't return to force, 11 April 2018 ([url](#)).

⁽²⁹¹⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽²⁹²⁾ EPIC, ISHM Reference Guide (Updated April 2018), n.d. ([url](#)).

⁽²⁹³⁾ OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

⁽²⁹⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽²⁹⁵⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216.

⁽²⁹⁶⁾ Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p.8.

⁽²⁹⁷⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽²⁹⁸⁾ CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 258

estimate ⁽²⁹⁹⁾. Sources report high attrition rates among police were a problem with only 40-70% of trained police recruits staying in the force in 2013 ⁽³⁰⁰⁾.

The MoI has a larger operating budget allocation than other state security agencies and is heavily relied upon by the government for offensive and holding operations against ISIL ⁽³⁰¹⁾. According to BTI, law enforcement was limited by the lack of capacity as well as ‘rampant corruption’ ⁽³⁰²⁾.

5.3.1.1 Federal Police (FEDPOL or FP, *shurta itihadiya* or *Raed Shakir Jawdat*)

The Iraqi Federal Police are focused more on counter-terrorism than ordinary policing and are organised into military-style units ⁽³⁰³⁾; particularly in recent years fighting ISIL, they have transformed themselves into a paramilitary force rather than focusing on law enforcement ⁽³⁰⁴⁾. Sources report its membership to be between 37 000 ⁽³⁰⁵⁾, 42 000 ⁽³⁰⁶⁾ or up to 44 000 ⁽³⁰⁷⁾.

The force is structured across six territorial Divisions, including mechanised brigades, maintaining a presence in:

- 1st Federal Police Division, under Baghdad Operations Command with MoD;
- 2nd FP Division, deployed to secure Baghdad and Baghdad belts for counterterrorism, securing pilgrimage routes, and law enforcement;
- 3rd FP Division, under Ninewa Operations Command with MoD;
- 4th FP Division, responsible for southern Baghdad, areas south of the city, parts of Salah al Din, Basra, Karbala and Wasit;
- 5th FP division, provides security in south and east Salah al Din, the Jazeera desert west of Samarra, and participated in Mosul operations;
- 6th FP Division, operating in Ninewa, Fallujah, Anbar ⁽³⁰⁸⁾.

ISW describes it as a ‘deployable gendarmerie’ with capabilities ranging between those of the Iraqi Army and the local police ⁽³⁰⁹⁾. The FP is reportedly deployed alongside PMUs ‘during every major PMF-led operation’ ⁽³¹⁰⁾. They are heavily armed with armoured and mechanised units and heavy weapons ⁽³¹¹⁾. The Federal Police is dominated by Shia and ⁽³¹²⁾ and recruited and deployed nationally ⁽³¹³⁾.

5.3.1.2 Local police

The Iraqi Police Service is responsible for local and governorate level law enforcement ⁽³¹⁴⁾ and is the ‘civilian policing component’ operating in the governorates ⁽³¹⁵⁾. The local police forces in each governorate are responsible for day-to-day security and are the primary first responders generally

⁽²⁹⁹⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216.

⁽³⁰⁰⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216.

⁽³⁰¹⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 10.

⁽³⁰²⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 8.

⁽³⁰³⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216.

⁽³⁰⁴⁾ OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

⁽³⁰⁵⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 10.

⁽³⁰⁶⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216.

⁽³⁰⁷⁾ CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 258

⁽³⁰⁸⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 24-26.

⁽³⁰⁹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 24.

⁽³¹⁰⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 24.

⁽³¹¹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 17.

⁽³¹²⁾ CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 261.

⁽³¹³⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽³¹⁴⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216.

⁽³¹⁵⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 11.

serving as the first line of defence against terrorism and crime ⁽³¹⁶⁾. Sources dated prior to ISIL report provincial police numbers to be between 230 000 ⁽³¹⁷⁾ to 302 000 personnel ⁽³¹⁸⁾. However, according to DFAT reporting in 2018, the combined strength of the federal and local police is about 300 000 ⁽³¹⁹⁾.

The Iraqi police are locally recruited, unlike the Federal Police and Iraq Army which are recruited nationally and have large Shia contingents from the south ⁽³²⁰⁾. Many officers of the local police were targeted, imprisoned, arrested, and executed under ISIL occupation ⁽³²¹⁾. Compared to the Federal Police, local Iraqi police services lack firepower, patrolling in soft-shell vehicles and carrying pistols ⁽³²²⁾.

A 2016 survey on public perceptions about safety and security in Iraq which compared Baghdad, Erbil, Anbar, Diyala, Karbala, and Salah al-Din found that respondents' sense of security was linked to the absence of ISIL and irregular armed groups, and that the limited presence of local police contributed to the population feeling unsafe ⁽³²³⁾. The same study found that respondents felt the government should improve local police services as the primary way to improve security ⁽³²⁴⁾. In Ninewa, the provincial police force had 30 000 officers prior to ISIS, which dropped to 13-15 000 in 2018 ⁽³²⁵⁾. Iraqi security officials believe that post-ISIL, Ninewa province requires an additional 10,000 to 17,000 police officers ⁽³²⁶⁾. Many local police in Ninewa remain out of work ⁽³²⁷⁾. Al Monitor interviewed a number of local police forces in Anbar province who had left their positions to join local tribal PMUs to fight ISIL; in 2018, the fighters stated that they had no intention of returning to their police role as the PMU positions are 'more coveted' ⁽³²⁸⁾.

Lifos wrote in 2014 that Iraqi Police Service recruits receive eight weeks of training ⁽³²⁹⁾. Tens of thousands of Iraqi police have received training from NATO, international and US forces under security programs to reconstitute the force post-2003 ⁽³³⁰⁾ and providing for 'wide and comprehensive training' ⁽³³¹⁾. Iraq has three police academies and six regional training centres, with over half of the force estimated to have been trained by the US ⁽³³²⁾.

Mol also has a community policing program supported by the International Organization for Migration (IOM) which is aimed at building local trust and mediating between officials and community members in areas liberated from ISIL ⁽³³³⁾. The program has created 49 Community Policing Forums and conducted trainings reaching over 1 000 police, law enforcement, civil society, judiciary officials and community members ⁽³³⁴⁾. Through the Rule of Law Programme, the UNDP partners with Iraqi security and justice partners to provide comprehensive security sector reform and capacity building in its

⁽³¹⁶⁾ Ahn, J. et al., *The Politics of Security in Ninewa*, 7 May 2018 ([url](#)), p. 17.

⁽³¹⁷⁾ Mockaitis, T. (Ed.), *The Iraq War Encyclopedia*, 15 August 2013, pp. 214-216.

⁽³¹⁸⁾ CSIS, *Iraqi in Crisis*, May 2014 ([url](#)), p. 258

⁽³¹⁹⁾ Australia, DFAT, *Country Information Report – Iraq* [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽³²⁰⁾ Rise Foundation, *Mosul and Tal Afar: Context Analysis*, December 2017 ([url](#)), p. 11.

⁽³²¹⁾ Rise Foundation, *Mosul and Tal Afar: Context Analysis*, December 2017 ([url](#)), p. 11.

⁽³²²⁾ Ahn, J. et al., *The Politics of Security in Ninewa*, 7 May 2018 ([url](#)), p. 17.

⁽³²³⁾ ANCSS, *Public Safety and Security Perception Survey in Iraq 2017*, 22 January 2018 ([url](#)), pp. 50-51.

⁽³²⁴⁾ ANCSS, *Public Safety and Security Perception Survey in Iraq 2017*, 22 January 2018 ([url](#)), p. 52.

⁽³²⁵⁾ Ahn, J. et al., *The Politics of Security in Ninewa*, 7 May 2018 ([url](#)), p. iii; Rise Foundation, *Mosul and Tal Afar: Context Analysis*, December 2017 ([url](#)), p. 11.

⁽³²⁶⁾ Ahn, J. et al., *The Politics of Security in Ninewa*, 7 May 2018 ([url](#)), p. 83.

⁽³²⁷⁾ Rise Foundation, *Mosul and Tal Afar: Context Analysis*, December 2017 ([url](#)), p. 10.

⁽³²⁸⁾ Al Monitor, *Iraqi police who fought for tribal PMUs won't return to force*, 11 April 2018 ([url](#)).

⁽³²⁹⁾ Sweden, Lifos, *Iraq: Rule of Law in the Security and Legal System*, 8 May 2014 ([url](#)), p. 9.

⁽³³⁰⁾ Mockaitis, T. (Ed.), *The Iraq War Encyclopedia*, 15 August 2013, pp. 214-216.

⁽³³¹⁾ Sweden, Lifos, *Iraq: Rule of Law in the Security and Legal System*, 8 May 2014 ([url](#)), p. 9.

⁽³³²⁾ Mockaitis, T. (Ed.), *The Iraq War Encyclopedia*, 15 August 2013, pp. 214-216.

⁽³³³⁾ IOM, UN Migration Agency, *Iraq Ministry of the Interior Affirm Cooperation in Community Policing Programme*, 5 February 2017 ([url](#)).

⁽³³⁴⁾ IOM, UN Migration Agency, *Iraq Ministry of the Interior Affirm Cooperation in Community Policing Programme*, 5 February 2017 ([url](#)).

efforts to transform policing from a fighting force against ISIL into a civilian-oriented police service ⁽³³⁵⁾.

Police lacked sufficient capacity to respond to violence against women and children via its 16 family protection units ⁽³³⁶⁾. According to the UN Human Rights Council, the police's family protection units are understaffed and 'remain inaccessible to most victims' of domestic violence ⁽³³⁷⁾. A 2016 survey on public perceptions about security found there was low public support for increasing female participation in the security sector, except among respondents who were female and in urban areas ⁽³³⁸⁾.

Mol has reportedly trained personnel to identify trafficking victims but deficiencies in identification of victims prevented victims from receiving care and they remained 'highly vulnerable to punishment for crimes committed as a direct result of being subjected to trafficking' ⁽³³⁹⁾.

5.3.2 Effectiveness

5.3.2.1 Reporting a crime or calling for assistance

Reporting a crime to police can be done by going to the police station or to an investigative judge, who may also be present at the police station. Police may also bring the civilian to a court where such the investigating judge may proceed with a case ⁽³⁴⁰⁾. For information on procedures, see [Section 4.3](#).

5.3.1.2 Police response

The Federal Police, along with the army, rapidly retreated and collapsed in the face of ISIL's territorial gains in 2014 ⁽³⁴¹⁾. In 2018, police and military units in Baghdad are described by the Overseas Security Advisory Committee (OSAC) as having the ability to respond to 'security incidents, terrorist attacks and criminal activities' although response and capabilities of responding authorities 'vary considerably' ⁽³⁴²⁾. Lifos stated in its 2014 report that policing effectiveness in response to reporting a crime can differ from place to place. Sources reported to Lifos that in some areas, police work may be performed well, while others stated that the police are not efficient in responding to crime. Crime reports are 'sent to unknown higher officials' and police are 'generally tied to one group or another' ⁽³⁴³⁾. According to the UN, Iraqi police and law enforcement officials lack 'resources, training, and forensic capacity to gather impartial and reliable evidence of sufficient standard to identify alleged perpetrators, warrant charges, or secure convictions before the courts' ⁽³⁴⁴⁾.

Despite the lack of statistics, OSAC reported that organised crime has increased in 2017 and remained a serious threat in Baghdad ⁽³⁴⁵⁾. Baghdad's criminal court also reported to Al Monitor that in 2017 there had been a dramatic increase in kidnapping, theft and robbery by organised gangs. However, a member of Baghdad's provincial council stated that although they have no statistics on abductions, he attributed the rise to the inability of the government to find and hold criminals accountable due to the collapse of the security situation and the rise in 'influential political or armed groups' who kidnap

⁽³³⁵⁾ UNDP, UNDP trains mid-ranking police officers to improve the effectiveness of Local Police, 3 September 2018 ([url](#)).

⁽³³⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽³³⁷⁾ UN Human Rights Council, Technical assistance provided to assist in the promotion and protection of human rights in Iraq (A/HRC/30/66), 27 July 2015 ([url](#)), para. 29.

⁽³³⁸⁾ ANCSS, Public Safety and Security Perception Survey in Iraq 2017, 22 January 2018 ([url](#)), para. 2.6.

⁽³³⁹⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)), p. 232.

⁽³⁴⁰⁾ Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p. 10.

⁽³⁴¹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽³⁴²⁾ OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

⁽³⁴³⁾ Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p. 9.

⁽³⁴⁴⁾ UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 2.

⁽³⁴⁵⁾ OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

to secure funds ⁽³⁴⁶⁾. Media stated that there were 745 kidnappings registered with Mol in Baghdad in the first nine months of 2016, but the government denied the claim ⁽³⁴⁷⁾.

Societal and family violence

The police reportedly made 'limited efforts to prevent or respond to societal violence' ⁽³⁴⁸⁾. UNAMI similarly observed that during 2017, despite an increase in violence against women, police were not willing to 'meaningfully investigate' killings of women and girls for honour ⁽³⁴⁹⁾. The Ministry of Interior has specialised police units called 'Family and Child Protection Units' ⁽³⁵⁰⁾. According to UNAMI, these units have improved women's access to justice; however, they are limited to provincial capitals and major cities and lack suitable facilities and female personnel ⁽³⁵¹⁾. According to sources interviewed by Lifos/Landinfo, women victims of sexual violence rarely report it to police and the crime 'often goes unpunished' as perpetrators can pay to escape punishment ⁽³⁵²⁾. Shelters in Iraq were significantly lacking and run by volunteers ⁽³⁵³⁾. The NGO Iraqi Al-Amal Association reports on its website that it runs five family guidance centres for victims of domestic, sexual and gender-based violence in Baghdad, Najaf, Basra, Kirkuk, and Nasiriyah ⁽³⁵⁴⁾. UNAMI similarly reports that there were 'some shelters' in Kirkuk for women, and one in Basra for victims of sex trafficking ⁽³⁵⁵⁾. A women's shelter in Baghdad run by an NGO was reportedly stormed by an armed group in October 2017, who demanded that a female resident who escaped domestic violence be released to them in exchange for a staff member they abducted. The woman's father was reportedly with the group ⁽³⁵⁶⁾.

5.3.1.3 Crime rates and arrest statistics

According to OSAC, 'crime statistics in Iraq and reporting mechanisms are incomplete and inconsistent within Iraqi law enforcement and security forces' ⁽³⁵⁷⁾. Organised crime continues to be a significant problem ⁽³⁵⁸⁾. Individuals, militias, and criminal groups were involved in abductions and kidnappings for extortion or political purposes ⁽³⁵⁹⁾.

The police and the army frequently arrested and detained individuals without judicial authority however there are no reliable statistics available on how many people this impacted ⁽³⁶⁰⁾. Thousands are reportedly detained under anti-terrorism laws ⁽³⁶¹⁾.

5.3.3 Integrity

Independence

As stated earlier, the head of the Federal Police under the Mol, Qasim –Araji [head until October 2018] was a Badr Organisation member and, according to the Institute for the Study of War, 'FP commanders who are not sympathetic to the PMF are likely intimidated into cooperating with PMF or ordered to

⁽³⁴⁶⁾ Al Monitor, Why are kidnappings on the rise in Baghdad? 27 January 2017 ([url](#)).

⁽³⁴⁷⁾ MEE, Criminal kidnappings are big business in Baghdad, 1 January 2017 ([url](#)).

⁽³⁴⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽³⁴⁹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. vii.

⁽³⁵⁰⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5.2.

⁽³⁵¹⁾ UNAMI, Report on Human Rights in Iraq: January – June 2014, August 2014 ([url](#)), pp. 13-14.

⁽³⁵²⁾ Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), p. 18.

⁽³⁵³⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 40-44.

⁽³⁵⁴⁾ Iraqi Al-Amal Association, مراكز الأمل للأرشاد الأسري [Hope Centres for Family Guidance], n.d. ([url](#)).

⁽³⁵⁵⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5. 3.

⁽³⁵⁶⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5. 3.

⁽³⁵⁷⁾ OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

⁽³⁵⁸⁾ OSAC, Iraq 2018 Crime & Safety Report: Baghdad, 12 February 2018 ([url](#)).

⁽³⁵⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 5.

⁽³⁶⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 13.

⁽³⁶¹⁾ AP, Iraq holding more than 19,000 because of IS, militant ties, 22 March 2018 ([url](#)); New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)).

do so by the sympathetic FP senior leadership’ ⁽³⁶²⁾. Sources stated that PMU and Badr Organisation in particular ‘holds considerable influence over the Iraqi Ministry of Interior’ ⁽³⁶³⁾, that Badr dominates the Federal Police and Mol ⁽³⁶⁴⁾, particularly in Diyala ⁽³⁶⁵⁾. ISW assesses that multiple divisions of the Federal Police have close ties with Iran and overlapping responsibilities with militias of the PMU. The 6th FP is described as being led by a Badr commander and ‘effectively an extension of the Badr Organization’; the 5th Division also operates closely with the 6th Division and coordinate operations with the Sadrist peace brigades around Samarra; and units of the 4th FP Division have close ties and ‘overlapping responsibility’ with Kataib al-Imam Ali militias ⁽³⁶⁶⁾.

Public trust and corruption

A 2016 survey on public perceptions about safety and security in Iraq which compared Baghdad, Erbil, Anbar, Diyala, Karbala, and Salah al-Din found that public trust in different security services varied dramatically between governorates and security providers. More than half of the total respondents considered the local civilian police to be more trustworthy than the army. In Karbala, Erbil, and Salah al Din, the civilian/local police were the most trusted actor; while in Diyala and Anbar, the Army was seen as the most trustworthy. More than half of Baghdad respondents did not trust any actors; though local police were highest. Irregular armed groups were seen as least trusted by the population in all areas surveyed ⁽³⁶⁷⁾. Women and people in rural areas had the lowest rates of trust in any of the security forces ⁽³⁶⁸⁾.

The Mol and its history of human rights violations prior to ISIL has contributed to the perception that it is sectarian and corrupt, and although its popularity has risen in the wake of ISIL, failed reforms mean it is not fully trusted by Iraqis ⁽³⁶⁹⁾.

Corruption was reportedly a persistent problem in the police forces ⁽³⁷⁰⁾, occurred at many levels and involved paying bribes to reduce or drop charges ⁽³⁷¹⁾. Lifos interviewed sources in 2014 who stated that people would prefer to use their clan relations to resolve issues rather than go through the local police ⁽³⁷²⁾. There were reports from local residents in Mosul, for example that people referred alleged ISIL suspects to security officials in order to settle personal disputes knowing the person would end up in lengthy pre-trial detention without due process ⁽³⁷³⁾.

Abuses

Police were involved in forcing confessions and using abusive methods to torture detainees, particularly in pre-trial detention ⁽³⁷⁴⁾. Federal Police force has been seen as being used against Sunnis in the past ⁽³⁷⁵⁾. Mol units are seen as ‘highly sectarian, corrupt, and Badr influenced’ ⁽³⁷⁶⁾ with Badr members reportedly being embedded in the Federal police ⁽³⁷⁷⁾. There were complaints from local

⁽³⁶²⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 24.

⁽³⁶³⁾ ISW, 11 July 2018, email to EASO.

⁽³⁶⁴⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 18.

⁽³⁶⁵⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 19.

⁽³⁶⁶⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 25-26.

⁽³⁶⁷⁾ ANCSS, Public Safety and Security Perception Survey in Iraq 2017, 22 January 2018 ([url](#)), para. 2.4.

⁽³⁶⁸⁾ ANCSS, Public Safety and Security Perception Survey in Iraq 2017, 22 January 2018 ([url](#)), pp. 50-51.

⁽³⁶⁹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 93.

⁽³⁷⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11; Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽³⁷¹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽³⁷²⁾ Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p. 9.

⁽³⁷³⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 26.

⁽³⁷⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), pp. 5, 11.

⁽³⁷⁵⁾ Mockaitis, T. (Ed.), The Iraq War Encyclopedia, 15 August 2013, pp. 214-216; CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 258.

⁽³⁷⁶⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 93.

⁽³⁷⁷⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 10.

communities that because the federal police and army recruit and deploy forces nationally, that members were abusive on the basis of ethnosectarian differences ⁽³⁷⁸⁾.

5.3.4 Emergency Response Division (*furqa ar-red as-suriya*)

The Emergency Response Division is a specialised counterterrorism unit within the MoI ⁽³⁷⁹⁾ or MoI's 'commando unit' ⁽³⁸⁰⁾. ERD played a large role in liberating Ninewa and Mosul in particular ⁽³⁸¹⁾. The ERD has been characterised by the US advisors as a 'very effective fighting force' against ISIL and it has received US training and support in the past ⁽³⁸²⁾. Detracting from the anti-ISIL focus, in July 2018, ERD was re-deployed by the Prime Minister out of the disputed territories into the south to deal with growing unrest and protests there ⁽³⁸³⁾.

The ERD and its commander are described by ISW as having 'close ties' with the Badr Organisation ⁽³⁸⁴⁾. ISW observes that the ERD is 'less disciplined' than other special forces (ISOF) organisations and 'likely more compromised' due to the leadership and operational closeness it has to the Iran-backed PMUs ⁽³⁸⁵⁾.

In 2015, images and videos appeared online of ERD members with photos of severed heads and dragging corpses behind vehicles during anti-ISIL operations. ⁽³⁸⁶⁾ A documentary investigating abuses by ERD was smuggled out of Iraq in 2015 also showing ERD involvement in torture, abuses of detainees and field executions of ISIL suspects and civilians ⁽³⁸⁷⁾. After initial denial and then an investigation by the PMO in 2017, members of the ERD were found to have committed torture and abuses; they were said to face prosecution, but no public findings were released ⁽³⁸⁸⁾. Some ERD officers have been relieved of field duty ⁽³⁸⁹⁾.

The ERD is blacklisted by the US military for committing gross violations of human rights and no longer receives US equipment of support as of March 2015; however, they continue to coordinate on fighting ISIL ⁽³⁹⁰⁾.

5.3.5 Provincial Emergency Police Battalions

Emergency Police Battalions are local combat formations attached to the local police under provincial commands, but under the leadership of the Federal Police. They are mainly stationary where they are formed and not commonly forward deployed, although they are used to guard pilgrimage routes or sites in southern Iraq ⁽³⁹¹⁾. They have limited capacity and are used to hold territory, not to clear it ⁽³⁹²⁾.

⁽³⁷⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 11.

⁽³⁷⁹⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 29.

⁽³⁸⁰⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. 17, 94.

⁽³⁸¹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), pp. 17, 94.

⁽³⁸²⁾ ABC News, Iraqi troops torture and execute civilians in secret videos,

⁽³⁸³⁾ ISW, ISIS's Second Resurgence, 2 October 2018 ([url](#)).

⁽³⁸⁴⁾ ISW, 11 July 2018, email to EASO; ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 26-27.

⁽³⁸⁵⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 26-27.

⁽³⁸⁶⁾ ABC News, 'Dirty Brigades': US-Trained Iraqi Forces Investigated for War Crimes, 11 March 2015 ([url](#)).

⁽³⁸⁷⁾ ABC News, US Ignores evidence of atrocities by blacklisted Iraqi military unit, 31 May 2017 ([url](#)); ABC News, Iraqi troops torture and execute civilians in secret videos, 26 May 2017 ([url](#)).

⁽³⁸⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 4; Reuters, Iraq acknowledges abuses committed against civilians in Mosul campaign, 17 August 2017 ([url](#)).

⁽³⁸⁹⁾ ABC News, Watchdogs: Iraqi troops beat and execute Mosul prisoners in new videos, 14 July 2017 ([url](#)).

⁽³⁹⁰⁾ ABC News, US Ignores evidence of atrocities by blacklisted Iraqi military unit, 31 May 2017 ([url](#)).

⁽³⁹¹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 28.

⁽³⁹²⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 28.

5.3.6 Border Guards (*haras hadud al-Iraq*), Facilities Protections Service, and Oil Police

Iraq's Border Guards are a motorised brigade attached to MoI and responsible for overseeing ports and borders ⁽³⁹³⁾, as well as having a role in counterterrorism ⁽³⁹⁴⁾. The Guards are structured under five distinct Regional commands ⁽³⁹⁵⁾. With assistance from PMF in the region, they are primarily operating on the Syrian border, especially in Rabia, and are responsible for preventing retreating Syrian ISIL fighters from coming across into Iraq ⁽³⁹⁶⁾.

Border Guards in the Kurdish region are 'responsive to the KRG, not the MoI' ⁽³⁹⁷⁾. The force had roughly 39 330 personnel in 2013 ⁽³⁹⁸⁾ and this decreased to an estimated 13 500 in 2016 ⁽³⁹⁹⁾. It was described in a CSIS briefing from 2014 as 'increasingly politicized' with corruption and the sale of positions as a problem, in addition to having a lack of mobility, intelligence support and firepower to adequately secure Iraq's borders ⁽⁴⁰⁰⁾.

MoI's Facilities Protection Police are responsible for protecting critical infrastructure and are more responsive to the ministries whose infrastructure they protect than the MoI. The Oil Police are under the Ministry of Oil and serve to guard Iraq's oil fields mainly in Basra and southern Iraq. Those forces in KRI are more responsive to KRG than the Ministry of Oil and MoI ⁽⁴⁰¹⁾.

5.4 Popular Mobilisation Units or Forces (*al-hashd al-sha'abi*)

5.4.1 Mandate and structure

Since 2016, under the Popular Mobilisation Law PMUs are formally and legally part of the state's security apparatus, however they are defined as an 'independent military formation' not part of the MoD or the MoI ⁽⁴⁰²⁾. It is not subordinate to the ISF ⁽⁴⁰³⁾. The PMF received USD 1.63 billion in 2017, about 6 % of the Iraqi security budget, compared to USD 683 million, allotted to CTS ⁽⁴⁰⁴⁾.

The PMUs nominally report to the Prime Minister as the Commander in Chief through the civilian body, the PMF Commission and then the National Security Council ⁽⁴⁰⁵⁾. However, in practice, the PMUs retain a formal and informal command structure ⁽⁴⁰⁶⁾. Although they are legally a state institution, the PMUs retain autonomous control and influence ⁽⁴⁰⁷⁾. Leaders of the PMUs participate in the political sphere, are elected politicians, and some are seen as proxies of the Iranian government (AAH, KH, Badr mainly) ⁽⁴⁰⁸⁾, and are responsive to Iran's Quds force ⁽⁴⁰⁹⁾. The PMUs are purported to be run through the government's Popular Mobilisation Commission (PMC), which is run in practice by

⁽³⁹³⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 27.

⁽³⁹⁴⁾ CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 263

⁽³⁹⁵⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 27.

⁽³⁹⁶⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 17.

⁽³⁹⁷⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 27.

⁽³⁹⁸⁾ CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 263.

⁽³⁹⁹⁾ Knights, M., The Future of Iraq's Armed Forces, March 2016 ([url](#)), p. 23.

⁽⁴⁰⁰⁾ CSIS, Iraqi in Crisis, May 2014 ([url](#)), p. 263.

⁽⁴⁰¹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 28.

⁽⁴⁰²⁾ Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴⁰³⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 33.

⁽⁴⁰⁴⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 29.

⁽⁴⁰⁵⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. i-ii; Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴⁰⁶⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 29-32.

⁽⁴⁰⁷⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 5.

⁽⁴⁰⁸⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. i-ii.

⁽⁴⁰⁹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 28.

deputy PMC Chairman, Abu Mahdi al Muhandis, an officer of the Quds force with close ties to Iran ⁽⁴¹⁰⁾. Muhandis is a US-designated terrorist ⁽⁴¹¹⁾.

The PMUs are an umbrella group of roughly 50 militias with a decentralised mixture of Shiite ideological allegiances, largely falling into three groups: those aligned with Supreme Leader Ayatollah Ali Khamenei of Iran (having strong links with the Iranian Quds force and Quds commander Qasim Soleimani), those with Najaf-based Grand Ayatollah Ali al-Sistani (Iraq's supreme Shia cleric), and those allegiant to populist Shia cleric Moqtada al-Sadr ⁽⁴¹²⁾. The main Iranian-tied groups and the most powerful PMUs are Badr Organisation, Asaib ahl al-Haq, Kataib Hezbollah, Kataib Sayed al-Shuhada, and Harakat Hizbollah al-Nujaba ⁽⁴¹³⁾. Badr Organisation is among the most powerful ⁽⁴¹⁴⁾, Kataib al-Imam Ali, and Kataib Jund al-Imam ⁽⁴¹⁵⁾. Kataib Hizbollah is a US designated terrorist group ⁽⁴¹⁶⁾. Politically, these groups and their political arms have created tensions and conflicts with PM Abadi, who is simultaneously confronted and undermined at times, while at others, cooperative ⁽⁴¹⁷⁾. They are closely aligned with the 'right wing' Shia political camp and work closely with Abu Mahdi al-Muhandis ⁽⁴¹⁸⁾ and are operationally directed by Muhandis and Badr Organisation's Hadi Al Ameri ⁽⁴¹⁹⁾. Militias within the PMU have been historically involved in human rights violations and terrorism, as well as death squads targeting Sunnis during the 2005-2006 sectarian violence ⁽⁴²⁰⁾. They gained further power and flourished under PM Nuri Al Maliki in 2010-2014 ⁽⁴²¹⁾.

The PMUs have played a vital role, along with the ISF, in carrying out the military defeat of ISIL ⁽⁴²²⁾. The PMUs existed prior to 2014 in different forms, but emerged on an important scale in 2014 to supplement the ISF's capacity, with large scale increase in membership in 2014 when thousands of young men joined new and old militias under forces affiliated with the government to fight against ISIL ⁽⁴²³⁾. International Crisis Group describes them as 'quite unlike the state's traditional security agencies' as they are a political institution with politicians and ministers in their leadership ⁽⁴²⁴⁾. Over the past four years, the PMUs have reportedly penetrated state institutions and entered 'all ministries' at 'all levels', according to a senior Fatah leader ⁽⁴²⁵⁾. Badr is described as having capitalised on the collapse of the ISF in 2014 in order to capture military power, political roles and cabinet positions ⁽⁴²⁶⁾.

⁽⁴¹⁰⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 3.

⁽⁴¹¹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 33.

⁽⁴¹²⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 3.

⁽⁴¹³⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 3.

⁽⁴¹⁴⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 14.

⁽⁴¹⁵⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 22.

⁽⁴¹⁶⁾ USDOS, Country Reports on Terrorism 2017 – Iraq, 6 September 2018 ([url](#)).

⁽⁴¹⁷⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. 13-14.

⁽⁴¹⁸⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 22.

⁽⁴¹⁹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 28.

⁽⁴²⁰⁾ GICJ, Militias in Iraq: The hidden face of terrorism, September 2016 ([url](#)), pp. 4-5.

⁽⁴²¹⁾ GICJ, Militias in Iraq: The hidden face of terrorism, September 2016 ([url](#)), pp. 8-9.

⁽⁴²²⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 29.

⁽⁴²³⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 29.

⁽⁴²⁴⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 5.

⁽⁴²⁵⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 9.

⁽⁴²⁶⁾ Sowell, K., Badr at the Forefront of Iraq's Shia Militias, 13 August 2015 ([url](#)).

PMU salaries are paid from the central budget and match those of the ISF under the 2018 budget ⁽⁴²⁷⁾. The PMUs were originally intended as an ‘organic hold force’ to be used in local areas; however with the fight against ISIL, the force became a deployable asset, being sent much further across the country away from their natural support bases ⁽⁴²⁸⁾. The PMUs were credited and thanked by the Prime Minister of Iraq for their role in defeating ISIL at the end of 2017 ⁽⁴²⁹⁾.

Structure and presence

Administratively, the PMC has numerous directorates to plan and manage PMU military operations and handle matters of administration, finance, intelligence, logistics, media, medical support, engineering, forward operations, planning and training, among others ⁽⁴³⁰⁾. PMC Regional Committees are local level components present in Anbar, Babil, Basra, Dhi Qar, Diwaniyah, Diyala, Karbala, Kirkuk, Maysan, Muthanna, Salah al Din, Najaf, Ninewa, Wasit ⁽⁴³¹⁾. The ISW provides a graphic showing the various PMUs (politically-linked PMUs, PMUs linked to Ayatollah al-Sistani, Iranian-linked PMUs) are affiliated with different ISF commands across the governorates of Iraq ⁽⁴³²⁾. ISW remarked in July 2018 that

‘The PMF wield influence or retain freedom of action in the areas of responsibility of several Iraqi Army Divisions / Operations Commands in Diyala, Salah al-Din, and Kirkuk Province. The Dijla Operations Command – which covers all of Diyala Province, Eastern Salah ad-Din Province, and the Hamrin Mountains – is connected to Badr Organization Chairman Hadi al-Ameri. The Badr Organization exerts strong influence over the Iraqi Army 5th Division operating under Dijla Operations Command. The PMF also operates freely in Salah ad-Din Operations Command – which covers Northern Salah ad-Din Province including Tikrit, Shirqat, and Tuz Khurmatu – as well as Samarra / Al-Askari Shrine in Southern Salah ad-Din Province (nominally under Samarra Operations Command)’ ⁽⁴³³⁾.

Sources reported to a 2016 Danish fact-finding mission that the PMUs are not present in KRI; however, they are present in areas that are contested between authorities of Iraq and KRG ⁽⁴³⁴⁾.

According to the International Crisis Group, the PMU projects an image of being cross-sectarian, but this is misleading ⁽⁴³⁵⁾. The PMUs are broadly popular in Iraq, especially among the Shia. They mainly draw from Shia for their composition ⁽⁴³⁶⁾. They tend to recruit locally ⁽⁴³⁷⁾. There are also militias from Sunni Arab and minority groups attached to the PMUs ⁽⁴³⁸⁾. These minority militias formed under the PMUs, which include Christians, Turkmen, Sunnis, Yazidis, Shabaks, and others are reportedly ‘separate homogenous fighting units’ under tight overall control of the Iranian-backed PMUs ⁽⁴³⁹⁾.

⁽⁴²⁷⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 29.

⁽⁴²⁸⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 42.

⁽⁴²⁹⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. i.

⁽⁴³⁰⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 35.

⁽⁴³¹⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 36.

⁽⁴³²⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 58.

⁽⁴³³⁾ ISW, 11 July 2018, email to EASO.

⁽⁴³⁴⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 198.

⁽⁴³⁵⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 20.

⁽⁴³⁶⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽⁴³⁷⁾ Mansour, R., More than Militias: Iraq’s Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴³⁸⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽⁴³⁹⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 20.

5.4.2 Capacity

The PMUs are an umbrella organisation of approximately 50 paramilitary groups with varying alignments, composed of approximately 42 000 to 142 000 personnel. Massively popular volunteer recruitment occurred in 2014 in the recruitment drives held by the PMUs in the wake of Grand Ayatollah's religious fatwas calling on Iraqis to serve due to the security vacuum created after ISIL began to take large territory. The PMC reportedly controls salary payment and favours paying Iran-backed militias, which has been a complaint of Sadrists, who complain of unfair salary distribution to fighters ⁽⁴⁴⁰⁾.

Most of the Iranian-backed PMUs are led by commanders who have not been part of Iraq's formal security apparatus and rarely received training in military colleges ⁽⁴⁴¹⁾. They are described as being 'driven fighters' better deployed outside of cities and not trained for 'inner-city combat' ⁽⁴⁴²⁾. ISW notes that the PMU use a 'numerical ranking system' similar to the IA in order to 'increase the veneer of professionalism and integration' they have with the IA ⁽⁴⁴³⁾. PMC has a training directorate, and may run some standard training elements; however, militias 'usually operate their own training camps' ⁽⁴⁴⁴⁾.

Attrition / desertion

In terms of desertion, ISW commented in July 2018 that there is no clear information on desertion from PMUs or official and unofficial punishments for it in practice; noting that:

'No clear information although we expect desertions are limited at best. Both ISF and PMF are motivated by the desire to earn a salary as well as special benefits (such as medical care) to support their families amidst a widespread lack of job opportunities for young men, particularly across Central and Southern Iraq. These social pressures fueled the initial groundswell of support for the PMF after the fatwa released by Ayatollah Ali al-Sistani in 2014' ⁽⁴⁴⁵⁾.

Public trust

The PMUs, along with the CTS are seen as the most 'respected' units of the ISF by the Iraqi public in the fight against ISIL ⁽⁴⁴⁶⁾, though their appeal is not universal and they are mainly popular with predominantly Shia areas from where PMU forces mainly originate ⁽⁴⁴⁷⁾.

A 2016 survey on public perceptions about safety and security in Iraq which compared Baghdad, Erbil, Anbar, Diyala, Karbala, and Salah al-Din found that PMUs and irregular armed groups were seen as least trusted by the population in all areas surveyed compared to police and the Iraqi army ⁽⁴⁴⁸⁾. In 2018, International Crisis Group stated that PMUs are beginning to suffer reputational damage in areas retaken from ISIL as well as in Baghdad, locals have complained about PMU lawlessness, including looting and extortion, and setting up illicit checkpoints ⁽⁴⁴⁹⁾.

⁽⁴⁴⁰⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 4;

⁽⁴⁴¹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 18.

⁽⁴⁴²⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 20.

⁽⁴⁴³⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 33.

⁽⁴⁴⁴⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 35.

⁽⁴⁴⁵⁾ ISW, 11 July 2018, email to EASO.

⁽⁴⁴⁶⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 18; Knights, M. and Mello A., The Best Thing American Built in Iraq, 19 July 2017 ([url](#)).

⁽⁴⁴⁷⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 18

⁽⁴⁴⁸⁾ ANCSS, Public Safety and Security Perception Survey in Iraq 2017, 22 January 2018 ([url](#)), para. 2.4.

⁽⁴⁴⁹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 19.

5.4.3 Effectiveness

Iranian-proxy militias are described by ISW as the most capable of the militias active inside of Iraq ⁽⁴⁵⁰⁾. The PMUs recruitment and activity moved rapidly in to fight against ISIL when Iraqi Army and Federal Police forces collapsed in 2014 and have been instrumental in ISIL's defeat; they were the first forces to move to defend Baghdad ⁽⁴⁵¹⁾, and critical to holding territory ⁽⁴⁵²⁾. The PMUs continue to play a significant role in Iraq's ability to continue fighting the remaining elements of ISIL in the country ⁽⁴⁵³⁾. Four years after ISIL's appearance, Iraqi security forces 'lack the capacity to patrol the entire country (apart from the Kurdish region...), obliging them to rely on the Hashd for help' ⁽⁴⁵⁴⁾. Neither would the Iraqi government have been able to retake the disputed territories and Kirkuk in October 2017 without the support of the PMUs ⁽⁴⁵⁵⁾.

The PMUs have also filled a vacuum left by the state by setting up parallel institutions involved in reconstruction, rebuilding critical infrastructure, and public services in areas where they have support, as well as in areas destroyed by ISIL ⁽⁴⁵⁶⁾. The PMUs remain dominant in taking a security lead and in local politics and governance in the areas where they have control and influence ⁽⁴⁵⁷⁾. DIS noted that sources described relations between ISF and PMUs as 'generally good' in disputed and liberated areas, though the government prefers that ISF serve as guarantor of security and not PMUs, until regular law enforcement and civil authority is re-established ⁽⁴⁵⁸⁾. However, other sources report that the PMUs frequently 'clash' in conflicts with other security institutions like the Iraqi Army which turn violent ⁽⁴⁵⁹⁾. Competition between PMU units is also 'rife' creating tensions between these groups ⁽⁴⁶⁰⁾.

5.4.4 Integrity

According to the Government of Iraq, the PMU is 'fully integrated with State forces and responds to a single chain of command' though the UN states that there is a widespread perception that fighters respond to their own commanders primarily ⁽⁴⁶¹⁾. Other sources also indicate that the Shia militias are beyond the formal control of the authorities and that government control is nominal, rather than real ⁽⁴⁶²⁾. The government's ability to retain command and control over PMUs was inconsistent ⁽⁴⁶³⁾, particularly those aligned with Iran ⁽⁴⁶⁴⁾. PMUs are described as the structurally opposite to the apolitical CTS, being 'organically formed units more comfortable expressing and relying upon their

⁽⁴⁵⁰⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 36.

⁽⁴⁵¹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽⁴⁵²⁾ Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴⁵³⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 2.

⁽⁴⁵⁴⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 16.

⁽⁴⁵⁵⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 16.

⁽⁴⁵⁶⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. 11-12.

⁽⁴⁵⁷⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 17.

⁽⁴⁵⁸⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 19.

⁽⁴⁵⁹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 20.

⁽⁴⁶⁰⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 20.

⁽⁴⁶¹⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 29.

⁽⁴⁶²⁾ EU, EASO, EASO COI Meeting Report – Iraq: Practical Cooperation Meeting 25-26 April 2017 (Source: Joost Hiltermann), July 2017 ([url](#)), p. 12.

⁽⁴⁶³⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 156

⁽⁴⁶⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1.

ethnic or religious beliefs as the motivating cause for their activities’ which has made Shia units a controversial and divisive force, particularly for Sunni Arab, Turkmen and Kurdish Iraqis ⁽⁴⁶⁵⁾. The PMUs pose a challenge to the state’s ability to monopolise the legitimate use of violence ⁽⁴⁶⁶⁾. Although they report to the Prime Minister, he has a limited ability to curtail their role, given their influence and broad popularity with the Shia population ⁽⁴⁶⁷⁾. Iranian proxy militias not only operate a separate chain of command, they also are able to command ISF units and direct use of force; with ‘near wholesale control of components of the ISF’ ⁽⁴⁶⁸⁾.

There are also numerous ‘fake hashd’ militias especially in Ninewa, who take advantage of the ambiguity surrounding which groups are acting for legitimate authorities; these criminal organisations exploit this making crimes by PMUs even more difficult to identify ⁽⁴⁶⁹⁾.

Abuses and sectarianism

Human rights organisations claim that PMU paramilitaries have been involved in widespread mass kidnapping, extortion, murder, torture, and destruction of property ⁽⁴⁷⁰⁾. PMUs that are loyal to Ayatollah Sistani are reportedly ‘generally considered more moderate and less prone to sectarian abuses’ while the Iranian proxy PMUs (KH, AAH, Badr) are on the other end of the spectrum. Sadrist PMUs are ‘somewhere in between’ ⁽⁴⁷¹⁾. In June 2016, for example, 643 men intercepted at PMU screening sites after the liberation of Fallujah disappeared and are feared dead ⁽⁴⁷²⁾. However, these abuses have gone unpunished by the judiciary ⁽⁴⁷³⁾ and occurred with impunity ⁽⁴⁷⁴⁾. PMUs abused prisoners and detainees ⁽⁴⁷⁵⁾ and targeted Sunnis in particular ⁽⁴⁷⁶⁾. DIS noted in its 2018 report that PMUs have the upper hand in ISIL-liberated and disputed territories and ‘can commit violations without consequences’ ⁽⁴⁷⁷⁾.

Regarding the ability of the state to protect an individual fearing the PMUs, in email correspondence for this report, the ISW commented that:

‘[t]he state retains limited ability to protect minorities and others (including Sunnis and Kurds) in areas where it relies upon the PMF as the main force to establish security on behalf of the Government of Iraq. These regions include Diyala and Salah ad-Din Provinces, which have witnessed repeated accusations of human rights abuses leveled against the PMF. Iraqi Prime Minister Haidar al-Abadi has not taken major punitive actions to address these incidents despite publically stressing the unacceptability of these abuses. Abadi may attempt to reassign other state forces to secure a given area prone to abuses, but he remains constrained by both political concerns as well as the overstretched nature of the Iraqi Army’ ⁽⁴⁷⁸⁾.

⁽⁴⁶⁵⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 18.

⁽⁴⁶⁶⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 1.

⁽⁴⁶⁷⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 13.

⁽⁴⁶⁸⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 31.

⁽⁴⁶⁹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 23.

⁽⁴⁷⁰⁾ GICJ, Militias in Iraq: The hidden face of terrorism, September 2016 ([url](#)); Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 24.

⁽⁴⁷¹⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 20.

⁽⁴⁷²⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 4.

⁽⁴⁷³⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 24.

⁽⁴⁷⁴⁾ AI, Absolute Impunity: Militia Rule in Iraq, 2014 ([url](#)), p. 5.

⁽⁴⁷⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 20.

⁽⁴⁷⁶⁾ AI, Absolute Impunity: Militia Rule in Iraq, 2014 ([url](#)), p. 5.

⁽⁴⁷⁷⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 19.

⁽⁴⁷⁸⁾ ISW, 11 July 2018, email to EASO.

The government has announced its intention to disband the PMUs with a decree issued in March 2018, aiming to integrate them into the Ministries of Defence and Interior, but this has been resisted by pro-Iranian elements of the PMU, who wish to retain their autonomous functioning ⁽⁴⁷⁹⁾; the government does not have a practical plan to deal with integration of PMUs ⁽⁴⁸⁰⁾.

There were reports that some groups of the PMUs gave weapons and training to children ⁽⁴⁸¹⁾, particularly the AAH and KH militias ⁽⁴⁸²⁾. Recruiting youths under 18 was banned by Shia authorities and clerics but media reported images of minors serving in PMU combat positions in 2017 ⁽⁴⁸³⁾.

5.5 Counter Terrorism Service (CTS) (*jihaz mukafahat al-irhab*)

5.5.1 Mandate and structure

The CTS is an elite counterterrorism force established by US forces after 2003 ⁽⁴⁸⁴⁾. The CTS was originally under the MoD's authority but this authority was removed by former PM Nuri al-Maliki in 2007, making it report directly to him, bringing criticism of Maliki's concentration of power ⁽⁴⁸⁵⁾. According to ISW, after Maliki, PM Abadi changed this structure by dissolving the Office of the Commander in Chief of the PM, and instead putting the CTS and special forces 'nominally under the day-to-day control of the JOC/MoD although they still report to the Prime Minister ⁽⁴⁸⁶⁾. Formally, the CTS reports directly to the Prime Minister via the Council of Ministers and coordinates its activity with the Joint Operations Command (JOC) under the Ministry of Defence ⁽⁴⁸⁷⁾. However, the CTS Law, passed in 2016, grants the CTS the status of a Ministry, but ambiguously, operating outside of the established security institutions of MoI and MoD ⁽⁴⁸⁸⁾. Under the CTS Law of 2016, it is mandated to coordinate and lead all counterterrorism efforts ⁽⁴⁸⁹⁾. However, numerous units in MoI and MoD also conduct counterterrorism operations ⁽⁴⁹⁰⁾. CTS is supposed to carry out targeted warrant-based counterterrorism missions but in 2018 continued to engage in missions and tasks outside this, such as securing infrastructure, maintaining order in cities, and quelling sectarian tensions ⁽⁴⁹¹⁾.

The CTS is structured with a CTS headquarters (for strategy, policy, coordination), Counter-Terrorism Command (operational level command), and below that, three Iraqi Special Operations Brigades (ISOF) (headquarters which control ISOF battalions of 440-600 personnel each⁽⁴⁹²⁾). ISOF 1st Brigade also has additional battalions in Baghdad: 1st Battalion (36th Commando Brigade), 2nd Battalion (also

⁽⁴⁷⁹⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. 4, 18, 19; Mansour, R., More than Militias: Iraq's Popular Mobilization Forces are Here to Stay, 3 April 2018 ([url](#)).

⁽⁴⁸⁰⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. 4, 18, 19.

⁽⁴⁸¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 12.

⁽⁴⁸²⁾ USDOS, 2018 Trafficking in Persons Report – Iraq, June 2018 ([url](#)).

⁽⁴⁸³⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 12.

⁽⁴⁸⁴⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 18.

⁽⁴⁸⁵⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), pp. 18-19.

⁽⁴⁸⁶⁾ ISW, 11 July 2018, email to EASO.

⁽⁴⁸⁷⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), pp. 10, 60.

⁽⁴⁸⁸⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 19; Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 5; Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁴⁸⁹⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁴⁹⁰⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 29.

⁽⁴⁹¹⁾ US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve and Operation Pacific Eagle-Philippines – April 1 2018-June 30 2018, August 2018 ([url](#)), p. 40.

⁽⁴⁹²⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 5. For a diagram, see page 32 of this source.

called Iraqi Counter Terrorism Force, ICTF), and Special Tactics Unit (STU), all three of which operate country-wide ⁽⁴⁹³⁾.

5.5.2 Capacity

The CTS is modelled on US counterterrorism forces, and originally were recruited, trained, equipped and advised, and led by US Special Forces ⁽⁴⁹⁴⁾; in 2008, US and Iraqi forces transitioned to joint command ⁽⁴⁹⁵⁾. Originally, it recruited volunteer candidates who were selected from across Iraq's ethno-religious groups; the 'central identity' of CTS is as a non-sectarian organisation ⁽⁴⁹⁶⁾. CTS personnel are paid approximately twice as much as MoD personnel ⁽⁴⁹⁷⁾. Training has expanded since the war with ISIL and it now requires 8-12 months to complete; it is conducted jointly by CTS and US advisors ⁽⁴⁹⁸⁾.

In 2013, the organisation had approximately 10 000 to 13 000 personnel ⁽⁴⁹⁹⁾. The service took heavy losses in fighting ISIL, particularly 1st ISOF fighting ISIS, depleting the most effective and experienced officers and soldiers from the ranks ⁽⁵⁰⁰⁾. The CTS took an estimated 4 000 casualties with 400 dead from 2014 to the battle for Fallujah in June 2016; it is estimated that a large number of the 1 200 – 1 500 Iraqi forces killed in the battle for Mosul in 2017 were likely CTS as the spearheading force ⁽⁵⁰¹⁾. Iraq security expert, Michael Knights, who tracks the unit, made the assessment in 2017 that the CTS is only 54 % manned and 34 % manned in combat divisions after several years of anti-ISIL operations ⁽⁵⁰²⁾.

Due to its training arm, it has reportedly retained strength levels in the force with low attrition rates reported in 2017 among new recruits, and the US estimating that 2 000 new recruits graduate per year under the new training program ⁽⁵⁰³⁾.

5.5.3 Effectiveness

The CTS is described as one of the most effective forces in the government's fight against ISIL ⁽⁵⁰⁴⁾. The CTS ISOF first Golden Division is the most capable unit of the ISF, according to ISW ⁽⁵⁰⁵⁾. The force was 'pivotal' in the ability of the ISF to defeat ISIL's ability to hold cities and large areas of territory ⁽⁵⁰⁶⁾. However, with the advance of ISIS, it began carrying out operations for which it was not trained or equipped such as clearing operations and battalion level operations coordination, artillery and air support, and coordination with ISF units ⁽⁵⁰⁷⁾. Prior to ISIL, CTS carried out 'highly refined targeting' with checks and balances on targets to prevent political or sectarian involvement ⁽⁵⁰⁸⁾. However, after ISIL's rise, CTS was forced to become a conventional combat force used for urban clearance operations

⁽⁴⁹³⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁴⁹⁴⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 7.

⁽⁴⁹⁵⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 9.

⁽⁴⁹⁶⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), pp. 6, 8, 16.

⁽⁴⁹⁷⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 13.

⁽⁴⁹⁸⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁴⁹⁹⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵⁰⁰⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 33.

⁽⁵⁰¹⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵⁰²⁾ Knights, M. and Mello A., The Best Thing American Built in Iraq, 19 July 2017 ([url](#)).

⁽⁵⁰³⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵⁰⁴⁾ International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 19; Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 33; Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 15; ISW, ISIS's Second Resurgence, 2 October 2018 ([url](#)).

⁽⁵⁰⁵⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 11.

⁽⁵⁰⁶⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵⁰⁷⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 33; Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵⁰⁸⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

in which it had no experience ⁽⁵⁰⁹⁾. In the fight against ISIL, CTS appears to have ‘spearheaded all major combat operations’ although it was mainly being employed as a conventional force rather than its intended focus on targeted counterterrorism missions ⁽⁵¹⁰⁾. In July 2018, the force was deployed in the south to protect government installations in the south during violent protests there ⁽⁵¹¹⁾.

5.5.4 Integrity

Under PM Maliki, the CTS was seen as the ‘private army’ of the Prime Minister, accountable only to him, and there were accusations he used it to intimidate Sunnis. The force was implicated in cases of ‘political and sectarian targeting’ in 2008-2010. It was also accused of sometimes conducting ‘mass and arbitrary arrests’ ⁽⁵¹²⁾. It has had problems of being perceived as partially politicised, and lacking legitimacy due to its US backing, as well as facing lack of resources. Training standards reportedly deteriorated after the US withdrew and missions began to creep in scope beyond the original intention of the CTS ⁽⁵¹³⁾. It was, prior to ISIL, ‘one of the most feared and disliked organizations’ ⁽⁵¹⁴⁾. However, following the successes against ISIL, CTS has become extremely popular with the Iraqi population ⁽⁵¹⁵⁾. It has a reputation as a ‘capable and disciplined force’ that recruits across sectarian lines, carries out strict vetting, does not engage in political activity and has ‘widespread acceptance’ in Iraq ⁽⁵¹⁶⁾. However, ISW notes that the CTS has had problems with politicisation and militia-ties, though it is largely responsive and uncompromised ⁽⁵¹⁷⁾. It has had far less problems with corruption and militia-penetration and higher levels of professionalism and discipline ⁽⁵¹⁸⁾. It has a ‘better human rights record’ than other forces involved in Mosul operations, for example ⁽⁵¹⁹⁾.

In 2018, Human Rights Watch released a report on 78 cases of enforced disappearances in 2014-2017 which alleges the involvement of CTS forces in several cases ⁽⁵²⁰⁾.

5.6 National Security Service (NSS) (*jihaz al-amn al-watni*)

The NSS reports to the Prime Minister ⁽⁵²¹⁾ and according to the Constitution, is under civilian control, subject to legislative oversight and should operate in accordance with principles of human rights ⁽⁵²²⁾. The NSS is ‘ostensibly focus[ed] on intelligence collection’ with a role similar to the traditional *mukhabarat*. The NSS reportedly clash with other security forces due to lack of coordination in ‘battle space’ between units responsible for a given territory. In Ninewa, NSS are often present at checkpoints to identify individuals of interest ⁽⁵²³⁾. The NSS also administers PMU units that are recruited from local Sunni militias known as Tribal Mobilisation Units (TMUs) or local Sunni *al-hashd al-ashari*, which mainly come from Shamar and Jabour tribes and are US-funded and equipped ⁽⁵²⁴⁾. At their peak,

⁽⁵⁰⁹⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵¹⁰⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 36.

⁽⁵¹¹⁾ ISW, ISIS’s Second Resurgence, 2 October 2018 ([url](#)).

⁽⁵¹²⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 17.

⁽⁵¹³⁾ Witty, D., The Iraqi Counter-Terrorism Service, Brookings Institution, 16 March 2015 ([url](#)), p. 33.

⁽⁵¹⁴⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵¹⁵⁾ Witty, D. The Iraqi Counter Terrorism Service: From the War on ISIS to the Future, 23 January 2018 ([url](#)).

⁽⁵¹⁶⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 15.

⁽⁵¹⁷⁾ ISW, Iraqi Security Forces and Population Mobilization Forces: Orders of Battle, December 2017 ([url](#)), p. 11.

⁽⁵¹⁸⁾ Knights, M. and Mello A., The Best Thing American Built in Iraq, 19 July 2017 ([url](#)).

⁽⁵¹⁹⁾ AP, Baghdad’s Finest: A look at Iraq’s vaunted special forces, 20 October 2016 ([url](#)).

⁽⁵²⁰⁾ HRW, “Life Without a Father is Meaningless” Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017, 27 September 2018 ([url](#)).

⁽⁵²¹⁾ HRW (Human Rights Watch), Iraq: Intelligence Agency Admits Holding Hundred Despite Previous Denials, 22 July 2018 ([url](#)).

⁽⁵²²⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), ([url](#)), Article 9 (D).

⁽⁵²³⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 17.

⁽⁵²⁴⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 19.

these forces in Iraq numbered 12 000, however due to attrition and lack of political support these numbers dropped under Maliki, and as of May 2018 reporting, their numbers are ‘disappearing’ ⁽⁵²⁵⁾.

Human Rights Watch reported in July 2018 that NSS admitted it was detaining more than 400 ISIL suspects in Mosul, after previously denying it had any detention facilities ⁽⁵²⁶⁾. NSS told Human Rights Watch that all detainees appear before a judge within 24 hours and detention ‘may be extended by a competent judge’. They stated that it was impossible for NSS to provide a fixed number of detainees ⁽⁵²⁷⁾. However, the same report states that a witness spoke to detainees who had been held for numerous months and years and experienced torture. NSS admitted that there have also been cases of deaths in detention which they claimed were ‘very limited’ and ‘judicially documented’ ⁽⁵²⁸⁾.

In September 2018, Human Rights Watch released a report on 78 cases of enforced disappearances in 2014-2017 which alleges the involvement of NSS in several cases ⁽⁵²⁹⁾.

5.7 Professional conduct

5.7.1 Code of conduct

According to the EU External Action Service, the Iraqi government has ‘strongly supported the protection of civilians in the military campaign to retake areas from Da’aesh’ ⁽⁵³⁰⁾. The Government has reportedly issued instructions to all ISF personnel that they should ‘protect civilians’ as well as public and private property ⁽⁵³¹⁾. Grand Ayatollah Sistani has also issued a similar statement (fatwa) calling for such behaviour ⁽⁵³²⁾. In February 2018, the Iraqi Commission of Integrity released a code of conduct for the security forces titled, Code of Conduct Military Personnel and Internal Security Forces No. (1) Of (2018). The code applies to personnel of the Ministry of Defence, Ministry of Interior, Counter Terrorism Service, Popular Mobilisation Units, and any other security force covered by the laws of military or internal security services. Article 1 states that ‘This Code aims to root ethical norms for the personnel of the military and security institutions to ensure proper, honorable and sound performance, to respec[t] military duties, secure public organization and protect the homeland and citizens’ ⁽⁵³³⁾.

5.7.2 Arbitrary arrest, detention, torture, disappearances, and extrajudicial killings

According to multiple sources interviewed by DIS in 2018, the primary profile of individuals targeted by security actors are those suspected of affiliation with ISIL ⁽⁵³⁴⁾.

⁽⁵²⁵⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 49.

⁽⁵²⁶⁾ HRW (Human Rights Watch), Iraq: Intelligence Agency Admits Holding Hundred Despite Previous Denials, 22 July 2018 ([url](#)).

⁽⁵²⁷⁾ HRW, Response to Human Rights Watch from the National Security Service on July 12, 2018, 12 July 2018 ([url](#)).

⁽⁵²⁸⁾ HRW (Human Rights Watch), Iraq: Intelligence Agency Admits Holding Hundred Despite Previous Denials, 22 July 2018 ([url](#)).

⁽⁵²⁹⁾ HRW, “Life Without a Father is Meaningless” Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017, 27 September 2018 ([url](#)).

⁽⁵³⁰⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 157

⁽⁵³¹⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 30.

⁽⁵³²⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 30.

⁽⁵³³⁾ Iraq, Col, Col Activities for the First Quarter of 2018, 2018 [url](#), p. 30.

⁽⁵³⁴⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 20.

Despite the legal provisions to safeguard against it, security forces reportedly engaged in arrests without warrants, detention for long periods before seeing a judge, and detained people in secret locations ⁽⁵³⁵⁾. Secret informants were frequently used as evidence for arresting people under the Anti-Terrorism Law ⁽⁵³⁶⁾. ISF and its affiliated carried out extrajudicial killings, torture, and indiscriminate attacks during fighting with ISIL ⁽⁵³⁷⁾. Torture and battlefield executions reportedly occurred with impunity during anti-ISIL operations in Mosul in 2017, for example ⁽⁵³⁸⁾. In 2015, the UN reports that ISF and affiliated militias ‘may have committed some war crimes’ ⁽⁵³⁹⁾.

The state did not have comprehensive statistics tracking the number of disappeared persons or enforced disappearances ⁽⁵⁴⁰⁾. The UN estimated in August 2014 (prior to ISIL), that there were 16,408 outstanding cases of such disappearances ⁽⁵⁴¹⁾.

Torture and ill treatment in detention to obtain confessions or during investigations continued to remain a serious issue in 2017, according to UNAMI ⁽⁵⁴²⁾ and were reportedly practiced often ⁽⁵⁴³⁾. Reports gathered by the UN indicate a routine and widespread use of torture and ill treatment in police custody, and pre-trial detention facilities of the MoI and the MoD ⁽⁵⁴⁴⁾. Reports of civilian accusations of abuse by PMUs and associated forces were reportedly common ⁽⁵⁴⁵⁾ as are accusations by locals that security forces unfairly accuse them of ISIL association ⁽⁵⁴⁶⁾.

Numerous videos of ISF forces, including US-trained Iraqi federal police and members of the military, appeared online in 2015 showing instances of possible beheadings, and shootings of detainees during clearance operations ⁽⁵⁴⁷⁾. Multiple videos also appeared in 2017 that showed abuse, ill treatment and arbitrary executions taking place by federal police and soldiers ⁽⁵⁴⁸⁾. For example, in one such video Iraqi police reportedly abused a Sudanese man accused of being an ISIL member on 22 July 2017 ⁽⁵⁴⁹⁾. In another, a man in uniform beats one of a dozen detainees, then throwing one off the edge of a high wall shooting him on the ground ⁽⁵⁵⁰⁾.

⁽⁵³⁵⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 33; UN Committee on Enforced Disappearances, Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention (CED/C/IRQ/CO/1), 13 October 2015 ([url](#)), para. 28.

⁽⁵³⁶⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 27.

⁽⁵³⁷⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 19.

⁽⁵³⁸⁾ HRW, World Report 2018 – Iraq, 9 January 2018 ([url](#)).

⁽⁵³⁹⁾ UN Human Rights Council, Report of the Office of the United Nations High Commissioner on the human rights situation in Iraq in light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups (A/HRC/28/18), 13 March 2015 ([url](#)), p. 17.

⁽⁵⁴⁰⁾ UN Committee on Enforced Disappearances, Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention (CED/C/IRQ/CO/1), 13 October 2015 ([url](#)), para. 11.

⁽⁵⁴¹⁾ UN Human Rights Council, Report of the Working Group on Enforced or Voluntary Disappearances (A/HRC/27/49), 4 August 2014 ([url](#)), p. 12.

⁽⁵⁴²⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2.

⁽⁵⁴³⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 29.

⁽⁵⁴⁴⁾ UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 15.

⁽⁵⁴⁵⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 45.

⁽⁵⁴⁶⁾ Intercept (The), The Underground Caliphate, 16 September 2018 ([url](#)).

⁽⁵⁴⁷⁾ ABC News, ‘Dirty Brigades’: US-Trained Iraqi Forces Investigated for War Crimes, 11 March 2015 ([url](#)).

⁽⁵⁴⁸⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2.

⁽⁵⁴⁹⁾ IraqiNews, Sudan summons Iraqi envoy after citizen cruelly assaulted by Iraqi police, 25 July 2017 ([url](#)); UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2.

⁽⁵⁵⁰⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2.

Unlawful and extrajudicial killings by some members of the ISF, and elements of the PMU in particular, disappearances, torture, arbitrary arrest and detention, and life-threatening prison conditions were among the most significant abuses of human rights in 2017, according to USDOS ⁽⁵⁵¹⁾.

The UN Special Rapporteur on extrajudicial, summary, and arbitrary executions stated in her June 2018 report that she received documentation that between 2014-2017 up to the end of the battle of Mosul, ISF and affiliated forces were responsible for human rights violations, mainly connected to revenge, disappearances, and killings of Sunni civilians, including IDPs, detainees, children, and suspected ISIL fighters *hors de combat* ⁽⁵⁵²⁾. According to a September 2018 study by Human Rights Watch, the group documented 78 cases of enforced disappearances of men and boys in 2014-2017 in Iraq. Most of those cases documented were Sunni Arab men in their thirties arrested mainly by the PMUs but also other forces, in the context of anti-ISIL operations ⁽⁵⁵³⁾. There were 36 disappearances attributed to PMUs, however, other forces of the ISF were also implicated: Anbar Operations Command, Federal Police, Mol's Intelligence and Counter-terrorism Office, NSS, special weapons and tactics forces (SWAT), and the Prime Minister's Special Forces, as well as KRG's Asayish ⁽⁵⁵⁴⁾.

During the battle for Mosul in 2016-2017, there were reports of arbitrary arrest and some cases of forcible disappearances by the Kurdish security forces, as well as retaliatory attacks against Sunni Arabs and property in the course of operations to recapture ISIL territory ⁽⁵⁵⁵⁾.

Sexual violence has also reportedly been used by the Iraqi army and militias, with apparent impunity ⁽⁵⁵⁶⁾.

Corruption and abuses by ISF in summer 2018 also included forcing family members to pay bribes to recover bodies, as well as alleged involvement in kidnappings, assassinations, robbery and criminal activity ⁽⁵⁵⁷⁾.

USDOS reported that government forces, including ISF, PMU and Kurdish forces detained and arrested individuals on suspicion of supporting ISIL, including IDPs, and 'routinely' doing so with Sunni males, particularly following liberation of ISIL-held areas ⁽⁵⁵⁸⁾. DFAT similarly states that in practice, throughout Iraq and KRI, security forces arrested and detained Sunni males in particular, without access to counsel ⁽⁵⁵⁹⁾. Family members were also detained in order to compel ISIL suspects to surrender ⁽⁵⁶⁰⁾ or forcibly removed by security forces ⁽⁵⁶¹⁾. Iraqi Security Forces have reportedly been involved in forced expulsions of families with alleged links to ISIL ⁽⁵⁶²⁾ and forcing Sunnis in particular

⁽⁵⁵¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1.

⁽⁵⁵²⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 30-32.

⁽⁵⁵³⁾ HRW, "Life Without a Father is Meaningless" Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017, 27 September 2018 ([url](#)).

⁽⁵⁵⁴⁾ HRW, "Life Without a Father is Meaningless" Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017, 27 September 2018 ([url](#)).

⁽⁵⁵⁵⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 36.

⁽⁵⁵⁶⁾ UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 13.

⁽⁵⁵⁷⁾ US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve and Operation Pacific Eagle-Philippines – April 1 2018-June 30 2018, August 2018 ([url](#)), pp. 21-22.

⁽⁵⁵⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 13.

⁽⁵⁵⁹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 25.

⁽⁵⁶⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 14.

⁽⁵⁶¹⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 28.

⁽⁵⁶²⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 6.

into ISIL camps ⁽⁵⁶³⁾. Sunni Arabs were subjected to ‘systematic and egregious violations’ including killings, torture, and disappearance due to perceived ISIL affiliation, carried out by militias with government insignia, and in particular Iranian controlled militia groups, according to USCIRF ⁽⁵⁶⁴⁾. Displaced Iraqis, and their family members suspected of supporting ISIL were ‘vulnerable to revenge attacks or retribution killings’, denied access to services, and were often denied return or unwilling to return to their area of origin ⁽⁵⁶⁵⁾. DFAT stated in its October 2018 report that the government claimed it made efforts to reduce risks of abuses while also effectively screening of IDPs for ISIL suspects, but DFAT gave no further detail ⁽⁵⁶⁶⁾.

The lack of unified command across units of the security forces has led to an inability to hold force commanders accountable for abuses committed by their units ⁽⁵⁶⁷⁾.

⁽⁵⁶³⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽⁵⁶⁴⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽⁵⁶⁵⁾ USDOS, Country Reports on Terrorism 2017 – Iraq, 6 September 2018 ([url](#)).

⁽⁵⁶⁶⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 26.

⁽⁵⁶⁷⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 45.

6. Judiciary and legal system

6.1 Court structure

The court system in Iraq ‘lacks a single comprehensive law regulating organization and administration, thus making it difficult to ascertain the exact institutional hierarchy of the courts’⁽⁵⁶⁸⁾. The two highest courts are the Federal Supreme Court and the Court of Cassation (Appeal)⁽⁵⁶⁹⁾. The Federal Supreme Court rules on federalism and constitutionality issues⁽⁵⁷⁰⁾. The Court of Cassation is the last appeal court for all cases, except security-related cases, and adjudicates cases involving state officials or in case of conflicts of lower court jurisdiction⁽⁵⁷¹⁾.

According to Lifos, the regular criminal justice system ‘consists of courts of investigation, first instance courts (including misdemeanor courts), courts of appeal and a Court of Cassation (and the Public Prosecution Department)’⁽⁵⁷²⁾. Other lower courts include the Court of Appeal, Court of First Instance, Courts of Personal Status, Labour, Criminal, Juvenile and Religious Matters⁽⁵⁷³⁾.

Juvenile justice courts are specialised to handle matters concerning crimes by people aged 9 to 17; these are handled by a single investigative judge, who then may refer the matter to juvenile court for sanctioning; decisions are reviewed by the Federal Court of Cassation⁽⁵⁷⁴⁾.

First Instance Courts are set up in the center of each province to hear civil lawsuits⁽⁵⁷⁵⁾. For criminal matters, regular provincial criminal courts have an Investigative court and a Felony (trial) court⁽⁵⁷⁶⁾. Investigating Courts are mandated to ‘investigate all crimes’ and are located in each area where there is a First Instance court⁽⁵⁷⁷⁾. Appeal courts are located in sixteen judicial areas of the governorates of Iraq (not including Kurdistan), two of which are in Baghdad (Rusafa and Kharkh)⁽⁵⁷⁸⁾.

There are also specialised courts for ‘integrity cases’ linked to the CoI⁽⁵⁷⁹⁾. Special counterterrorism courts that handle cases related to ISIL in both Iraq and the Kurdish region⁽⁵⁸⁰⁾. The Central Criminal Court of Iraq in Baghdad is a specialised court dealing with complicated major crimes⁽⁵⁸¹⁾. This court has ‘sweeping, nation-wide jurisdiction’ with a specific mandate to focus on ‘terrorism, organized

⁽⁵⁶⁸⁾ ILEI, Constitutional Law of Iraq, 2013 ([url](#)), p. 24.

⁽⁵⁶⁹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁵⁷⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁵⁷¹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁵⁷²⁾ Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), pp. 11-12.

⁽⁵⁷³⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁵⁷⁴⁾ Christova, A., Seven Years of EUJUST LEX: The Challenge of Rule of Law in Iraq, 2013, Journal of Contemporary European Research ([url](#)), p. 428.

⁽⁵⁷⁵⁾ Al-Mahmood, M., The Judiciary in Iraq, 2014, pp. 85-92.

⁽⁵⁷⁶⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 3.

⁽⁵⁷⁷⁾ Al-Mahmood, M., The Judiciary in Iraq, 2014, pp. 85-92.

⁽⁵⁷⁸⁾ Al-Mahmood, M., The Judiciary in Iraq, 2014, pp. 85-92.

⁽⁵⁷⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), pp. 35-36.

⁽⁵⁸⁰⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 21

⁽⁵⁸¹⁾ Al-Mahmood, M., The Judiciary in Iraq, 2014, pp. 85-92.

crime, corruption, and other serious cases’⁽⁵⁸²⁾. Appeals are sent directly to the national Court of Cassation⁽⁵⁸³⁾. The Criminal Procedure Code applies in this court in the same way as other courts⁽⁵⁸⁴⁾.

Specialised courts for trafficking cases were established in 2016; however, in 2017, the Higher Judicial Council repealed the directive, and no specialised courts of judges heard those cases⁽⁵⁸⁵⁾.

The Iraqi High Tribunal is a special tribunal that tries defendants from the Saddam Hussein government for abuses committed up to 2003⁽⁵⁸⁶⁾. It reportedly stopped functioning in 2015 and did not provide information about the number of perpetrators convicted, investigations ongoing, reparations, or sentences imposed⁽⁵⁸⁷⁾.

Internal disciplinary courts exist within the Ministry of the Interior and Ministry of Defence for their own criminal justice system with both a trial and cassation level. According to the GJPI, ‘[t]he Ministry of Interior Courts have jurisdiction over crimes stipulated in the Internal Security forces Penal Law No. 14 of 2008, the Penal Code No. 111 of 1969 or other penal laws if a policeman commits the crime provided that the victim is not a civilian’⁽⁵⁸⁸⁾.

Courts in the Kurdish region are managed and supervised under the Kurdish Judicial Council⁽⁵⁸⁹⁾. The Kurdish court structure and judicial system is closely reflective of the federal judiciary⁽⁵⁹⁰⁾.

National Iraqi courts are responsible for applying the Iraqi Penal Code no. 111 of 1969 and the Iraqi Criminal Procedures Code No. 23 of 1971 in line with general constitutional guarantees relating to the punishment of crime⁽⁵⁹¹⁾.

Iraqi courts do not have jurisdiction over international crimes occurring in Iraq as they are not provided for in the Penal Code of 1969⁽⁵⁹²⁾, nor do they have the capacity to investigate or prosecute crimes occurring in relation to armed conflict and violations of international humanitarian law, according to UNAMI⁽⁵⁹³⁾. The UN established an investigative team under UNSC Resolution 2379 (2017) to support Iraq’s government in investigating war crimes and crimes against humanity by ISIL⁽⁵⁹⁴⁾.

⁽⁵⁸²⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 2.

⁽⁵⁸³⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 3.

⁽⁵⁸⁴⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 3.

⁽⁵⁸⁵⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)), p. 232.

⁽⁵⁸⁶⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 12; Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 33

⁽⁵⁸⁷⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 17.

⁽⁵⁸⁸⁾ GJPI, Special Courts and Tribunals, 29 November 2009 ([url](#)).

⁽⁵⁸⁹⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 21

⁽⁵⁹⁰⁾ GJPI, The Judiciary and the Law in the Kurdistan Region of Iraq, 14 August 2009 ([url](#)).

⁽⁵⁹¹⁾ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 ([url](#)), para. 52.

⁽⁵⁹²⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 19, 49; UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.3.

⁽⁵⁹³⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.3.

⁽⁵⁹⁴⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 19, 51-53.

6.2 Criminal trial procedures

According to the UK Consulate in Erbil, the Iraqi legal system is a civil law system which means that:

‘the primary source of law is not past court room decisions, or Judge-made law, but rather, a set of written laws, contained in “codes”- for example, the Iraqi Civil Code, or the Iraqi Commercial Code. In the Iraqi system there are Judges, but those Judges are instructed to base their decisions not on past decisions, but on the code which applies to the case at hand. For example, in a criminal case being tried in Kurdistan Iraq, the Criminal Court Judge must base his decision on the articles which are contained in the Iraqi Penal Code. The Judge is not supposed to refer to or make reference to past legal decisions; rather, he is supposed to follow the Penal Code’ ⁽⁵⁹⁵⁾.

In Iraq’s civil-law criminal justice system, Iraqi judges (firstly investigative judges, then trial judges) are the central figures who run the criminal investigation process; they ‘issue arrest warrants, interview witnesses, determine appropriate charges, weight the evidence, issue findings, and pass sentences’. Unlike a US-style system that separates pre-trial investigations from the trial procedure, ‘Iraqi courts consider fact-gathering to be an integral part of the judicial purview’ and it is the first step in the formal trial process. While some fact-gathering occurs before the criminal proceedings, the criminal justice process ‘calls for the investigative judge (...) to repeat or confirm all critical facts of the case’. In Iraq’s criminal justice system, Iraqi judges ‘spend their time determining what if anything happened’ and after ascertaining the facts, formally charge the accused ⁽⁵⁹⁶⁾. The accused may be aware of the offense being investigated by the investigating judge, but not the specific crime he is to be charged with; in Iraqi courts, after the trial judge assesses the evidence and determines if a crime has been committed, the charge is formalised ⁽⁵⁹⁷⁾.

The UK Baghdad Embassy explains that at criminal trials in Iraq, ‘a panel of one or three trial chamber judges hears the case in public. After trial, the trial chamber reaches a judgement of either guilty or not guilty. If not guilty, the accused is released. If guilty, sentencing takes place’ with set penalties for each crime. Appeals can be made to the appellate chamber ⁽⁵⁹⁸⁾.

The UK Consulate in Erbil writes that during the trial in KRI criminal cases, there is ‘no trial by jury’ but the person appears in the relevant Criminal Court, which is open to the public, and stands before the Criminal Court Judge who directs the case and asks questions, with your lawyer present. An accuser may also be present in the court room – ‘an individual who says that they were the victim’. The proceedings are reportedly overseen by an Attorney General, who ensures the law is followed, and has the power to launch an official investigation ‘if legal or procedural abuses are taking place’ ⁽⁵⁹⁹⁾. There is no discretion by the judge to grant clemency or bail; appeals can be launched within 30 days or the right is lost; and sentences are guided by the Iraqi Penal Code ⁽⁶⁰⁰⁾.

⁽⁵⁹⁵⁾ UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 ([url](#)), pp. 9-10.

⁽⁵⁹⁶⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 5.

⁽⁵⁹⁷⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), pp. 47-48.

⁽⁵⁹⁸⁾ UK, Embassy in Baghdad, Information Pack for British Prisoners in Iraq (not including Kurdistan), September 2017 ([url](#)), p. 10.

⁽⁵⁹⁹⁾ UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 ([url](#)), p. 10.

⁽⁶⁰⁰⁾ UK, British Consulate-General Erbil, Information Pack for British Prisoners in Kurdistan Region of Iraq, July 2018 ([url](#)), p. 11.

6.3 Capacity

Judges play the primary role in investigation of cases in Iraq. Prosecutors in Iraq have the role to review case files, provide recommendations to judges, try the case and deliberate findings; they may attend the trial and accompany judges in deliberations, however, their role is largely administrative in comparison to judges ⁽⁶⁰¹⁾.

Investigating judges have six months of training and prosecutors have two years of training beyond their Bachelor of Laws, according to Lifos ⁽⁶⁰²⁾. The Iraqi judiciary requires professional training for all prosecutors and judges involved in investigating and prosecuting crime be graduates of the Iraqi Judicial Institute which is a two year course given to qualified lawyers who hold a four year law degree ⁽⁶⁰³⁾. The judiciary reportedly still follows professional standards and practices of the Baathist period ⁽⁶⁰⁴⁾. Defence lawyers do not require special training beyond a law degree ⁽⁶⁰⁵⁾.

There was a lack of information about the impact of human rights training for police, prison staff and judicial officers ⁽⁶⁰⁶⁾. With the support of UNDP, since 2015, the government has made efforts to reform the security and justice sectors. Efforts have included creating Parliamentary committees to implement civilian oversight of security sector reform and a Criminal Justice Working Group to meet regularly and identify reform priorities, and training officials in security sector reform ⁽⁶⁰⁷⁾.

The judiciary is described as understaffed ⁽⁶⁰⁸⁾. A 2013 report submitted by Iraq to the UN stated that there were 1,327 judges in the Department of Public Prosecutions ⁽⁶⁰⁹⁾. According to Lifos sources in 2014, there were an estimated 1 700 judges in Iraq ⁽⁶¹⁰⁾. Women were not well-represented in high levels of government and the judiciary ⁽⁶¹¹⁾. Iraq reported in 2013 having 27 female judges ⁽⁶¹²⁾. With a shortage of judges in Iraq, one judge may have the responsibility for areas covering a million people, leaving judges overwhelmed with work and only enough time to read summaries of preliminary investigation reports, if at all ⁽⁶¹³⁾.

The lack of capacity in the judiciary to deal with cases was also due to vast numbers of detainees, detentions without documentation, slow legal processing times, lack of use of bail provisions, and lack of information sharing ⁽⁶¹⁴⁾.

⁽⁶⁰¹⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 5.

⁽⁶⁰²⁾ Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p. 10.

⁽⁶⁰³⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), pp. 6-7.

⁽⁶⁰⁴⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 12.

⁽⁶⁰⁵⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), pp. 6-7.

⁽⁶⁰⁶⁾ UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 30.

⁽⁶⁰⁷⁾ UNDP Iraq, Rule of Law Programme, n.d. ([url](#)).

⁽⁶⁰⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 17; Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), pp. 11-12.

⁽⁶⁰⁹⁾ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 ([url](#)), p. 69.

⁽⁶¹⁰⁾ Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), pp. 11-12.

⁽⁶¹¹⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 13.

⁽⁶¹²⁾ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 ([url](#)), p. 69.

⁽⁶¹³⁾ Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), pp. 11-12.

⁽⁶¹⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 14.

6.4 Effectiveness

The UN describes the criminal justice system in Iraq as ‘weak’ ⁽⁶¹⁵⁾. Sources state that courts lack resources and have ‘limited forensic capabilities’ ⁽⁶¹⁶⁾ and that lack of ‘remuneration, security, technical, and human resources’ hindered the judiciary from carrying out its duties ⁽⁶¹⁷⁾. The UK Embassy in Baghdad notes that lack of resources in the judiciary caused ‘lengthy delays before and during trials’ ⁽⁶¹⁸⁾.

According to a 2010 paper about the Iraqi criminal justice system ⁽⁶¹⁹⁾, in Iraq, case verdicts and judicial explanations of them are not formally recorded for future use in similar cases ⁽⁶²⁰⁾. In terms of monitoring judicial performance, if judges act inappropriately, they can be reported to the Public Prosecutor ⁽⁶²¹⁾. The work of investigative and trial judges is reviewed by appellate court presidents and Ministry of Justice, who have disciplinary authority of them ⁽⁶²²⁾.

Abuses by paramilitary groups have gone on with impunity and without being addressed by the judicial system ⁽⁶²³⁾.

In 2017, there were 272 honour crimes reported to police and sent to court; up from 224 in 2016. There were also 3 400 domestic violence cases reported, up from 3 600 in 2016 ⁽⁶²⁴⁾. Domestic violence and honour killings are rarely punished and spousal rape is not criminalised ⁽⁶²⁵⁾.

The government made efforts to enforce its 2012 anti-trafficking law that applies to Iraq (except KRI), but failed to prosecute or convict officials involved in human and sex trafficking and child soldiering ⁽⁶²⁶⁾. MoI claimed to have prosecuted 22 human traffickers in 2017, but provided no details ⁽⁶²⁷⁾.

Iraq continues to allow for the death penalty, hand down sentences to death, and carry out capital punishment ⁽⁶²⁸⁾, being among the top three countries in the Middle East that imposes and carries out state executions according to Amnesty International’s 2017 report on death sentences and executions ⁽⁶²⁹⁾.

⁽⁶¹⁵⁾ UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 2

⁽⁶¹⁶⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁶¹⁷⁾ Al-Khatteeb, L. and Al Sadoon O., Iraq’s Rule of Law [Brookings Institution Oped], 26 July 2015 ([url](#)).

⁽⁶¹⁸⁾ UK, Embassy in Baghdad, Information Pack for British Prisoners in Iraq (not including Kurdistan), September 2017 ([url](#)), p. 9

⁽⁶¹⁹⁾ Written by Dan Warnock, a US Airforce attorney who was based in Baghdad and observed the criminal justice system in practice during 2010.

⁽⁶²⁰⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 4.

⁽⁶²¹⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 4.

⁽⁶²²⁾ Warnock, D., The Iraqi Criminal Justice System, An Introduction, Denver Journal of International Law and Practice, Volume 39, No. 1, Winter 2011 ([url](#)), p. 4.

⁽⁶²³⁾ Mansour, R., Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation, February 2018 ([url](#)), p. 24.

⁽⁶²⁴⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5.2.

⁽⁶²⁵⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)),

⁽⁶²⁶⁾ USDOS, 2018 Trafficking in Persons Report – Iraq, June 2018 ([url](#)).

⁽⁶²⁷⁾ USDOS, 2018 Trafficking in Persons Report – Iraq, June 2018 ([url](#)).

⁽⁶²⁸⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 59-68.

⁽⁶²⁹⁾ AI, Death Sentences and Executions 2017, 2018 ([url](#)), p. 32.

6.5 Integrity

6.5.1 Public trust

Iraqi often avoid Iraqi civil and criminal courts and instead rely on tribal and religious dispute settlement of private issues ⁽⁶³⁰⁾, even those involving major crimes ⁽⁶³¹⁾. This was largely due to lack of access to justice, lack of trust in the judiciary ⁽⁶³²⁾ or because of lack of social status and financial resources for some parts of the population ⁽⁶³³⁾. Some citizens turned to religious and militia groups instead of the official system, mainly in poor areas of the south and west, according to DFAT ⁽⁶³⁴⁾.

6.5.2 Independence, corruption, threats

The Iraqi judiciary is described as having restricted independence and impartiality with a weak and dependent nature due to the unstable security situation and historical political conflict ⁽⁶³⁵⁾. Judges, lawyers, and family members faced threats ⁽⁶³⁶⁾. The independence of the judiciary was undermined by threats and killings by sectarian, tribal, criminal and extremist elements ⁽⁶³⁷⁾, political parties and paramilitary groups ⁽⁶³⁸⁾. Judicial officials face ‘significant pressure’, intimidation, and violence, particularly for cases of organised crime, corruption or related to militias ⁽⁶³⁹⁾. According to sources, the judiciary became especially politicised under former PM Maliki who appointed political loyalists to the Supreme Judicial Council and Federal Supreme Court ⁽⁶⁴⁰⁾. Over the past few years, the Iranian-backed PMUs made particular effort to create strong bonds with the judiciary, with Fateh’s al-Ameri and PMU administrator Abu Mahdi al-Muhandis offering the block 2015 judicial reforms proposed by PM Abadi ⁽⁶⁴¹⁾. The judiciary is described by the same source as ‘friendly’ toward the PMUs ⁽⁶⁴²⁾.

Corruption and intimidation impacted judges in criminal cases, at the trial level, and on appeal ⁽⁶⁴³⁾.

⁽⁶³⁰⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 8; Freedom House, Freedom in the World 2018 – Iraq, ([url](#)).

⁽⁶³¹⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)).

⁽⁶³²⁾ Revkin, M., The Limits of Punishments: Transitional Justice and Violent Extremism – Iraq Case Study, May 2018 ([url](#)), p. 24; Freedom House, Freedom in the World 2018 – Iraq, ([url](#)).

⁽⁶³³⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 8

⁽⁶³⁴⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁶³⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁶³⁶⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 35; USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁶³⁷⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 35; USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15; Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), p. 13.

⁽⁶³⁸⁾ Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, Atlantic Council, July 2018 ([url](#)), pp. 12-13; TI, Iraq: Overview of corruption and anti-corruption, 20 March 2015 ([url](#)).

⁽⁶³⁹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁶⁴⁰⁾ Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p. 10; International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 9.

⁽⁶⁴¹⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 9.

⁽⁶⁴²⁾ International Crisis Group, Iraq’s Paramilitary Groups: The Challenge of Rebuilding a Functioning State, 30 July 2018 ([url](#)), p. 10.

⁽⁶⁴³⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 15.

According to sources, the Iraqi judiciary is susceptible to corruption and bribery ⁽⁶⁴⁴⁾ and political interference, and pressure from religious and tribal forces ⁽⁶⁴⁵⁾. Appointments and court decisions are influenced by political and sectarian identity, according to DFAT ⁽⁶⁴⁶⁾.

Human Rights Watch documented instances in 2018 where defence lawyers who were providing assistance to perceived ISIL suspects and family members accused of terrorism charges or missing civil documentation were threatened by security officials from the NSS, MoI, and CTS ⁽⁶⁴⁷⁾.

6.5.3 Arbitrary arrest, detention and access to legal assistance

UK Embassy in Baghdad states that ‘there are no procedures which are strictly followed on arrest’ in Iraq ⁽⁶⁴⁸⁾. Despite constitutional protections against unlawful detention and the requirement that arresting bodies provide documentation to a judge within 24 hours of arrest, arbitrary arrest and detention continued to be frequently reported in Iraq ⁽⁶⁴⁹⁾. Suspects were arrested without warrants, under anti-terrorism laws in particular ⁽⁶⁵⁰⁾ in processes described by human rights experts, lawyers, judges and prosecutors as ‘rife with abuses’ ⁽⁶⁵¹⁾. KRG and ISF forces reportedly screened individuals from ISIL-controlled areas against official lists based on being identified by community members ⁽⁶⁵²⁾. There were numerous reports that the ISF, including PMF and Peshmerga arrested and temporarily detained Sunni Arab IDPs predominantly ⁽⁶⁵³⁾. Under the Anti-Terrorism Law, law enforcement officials detained terrorism suspects without charge of trial for extended periods ⁽⁶⁵⁴⁾.

Pre-trial detention after arrest was often lengthy; such detentions without judicial process were described as ‘systematic’ by the US Department of State ⁽⁶⁵⁵⁾. The UN reports that there are a ‘large number of persons’ who have been held in pre-trial detention beyond the period mandated under the law ⁽⁶⁵⁶⁾. The lack of judicial review was due to large numbers of detainees, delays in processing criminal investigations, an ‘insufficient number of judges and trained judicial personnel’, as well as issues of bribery, corruption, and failure to use legal mechanisms such as bail or conditional release ⁽⁶⁵⁷⁾.

⁽⁶⁴⁴⁾ Hasan, H., *Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq*, Atlantic Council, July 2018 ([url](#)), pp. 12-13; TI, *Iraq: Overview of corruption and anti-corruption*, 20 March 2015 ([url](#)).

⁽⁶⁴⁵⁾ CSIS, *Iraqi in Crisis*, May 2014 ([url](#)), p. 270.

⁽⁶⁴⁶⁾ Australia, DFAT, *Country Information Report – Iraq* [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁶⁴⁷⁾ HRW, *Iraq: Officials Threatening, Arresting Lawyers*, 12 September 2018 ([url](#)).

⁽⁶⁴⁸⁾ UK, Embassy in Baghdad, *Information Pack for British Prisoners in Iraq (not including Kurdistan)*, September 2017 ([url](#)), p. 7.

⁽⁶⁴⁹⁾ HRW, *Flawed Justice*, December 2017 ([url](#)), p. 12; USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), p. 9, 12, 3, 14; UN Human Rights Committee, *ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5)*, 3 December 2015 ([url](#)), para. 33.

⁽⁶⁵⁰⁾ UN Human Rights Committee, *ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5)*, 3 December 2015 ([url](#)), para. 33; USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), p. 12.

⁽⁶⁵¹⁾ *Intercept (The)*, *Justice for the Enemy*, 17 June 2018 ([url](#)).

⁽⁶⁵²⁾ HRW, *World Report 2018: Iraq*, 18 January 2018 ([url](#)).

⁽⁶⁵³⁾ USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), p. 9.

⁽⁶⁵⁴⁾ UNAMI/OHCHR, *Report on the Death Penalty in Iraq*, October 2014 ([url](#)), p. 2; *Intercept (The)*, *Justice for the Enemy*, 17 June 2018 ([url](#)).

⁽⁶⁵⁵⁾ USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), pp. 13, 14.

⁽⁶⁵⁶⁾ UN Human Rights Committee, *ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5)*, 3 December 2015 ([url](#)), para. 33.

⁽⁶⁵⁷⁾ USDOS, *Country Reports on Human Rights Practices for 2017 – Iraq*, 20 April 2018 ([url](#)), pp. 13, 14.

Legal counsel is provided for under the Constitution for those who cannot afford a lawyer ⁽⁶⁵⁸⁾; however, lawyers complained about lack of access to clients ⁽⁶⁵⁹⁾.

6.5.4 Treatment in detention

Prison population

Lengthy detention without action by the court and due process was a ‘systemic problem’ ⁽⁶⁶⁰⁾. Press reports investigating the issue in 2018 estimate 19 000 ⁽⁶⁶¹⁾ to 20 000 people ⁽⁶⁶²⁾ are in detention on accusations of ISIL connections and terrorism offences ⁽⁶⁶³⁾. UNAMI reported that at the end of 2017, more than 1 000 children, mostly boys, were in juvenile detention due to national security charges related to alleged ISIL affiliation ⁽⁶⁶⁴⁾.

An estimated 10,000 foreign fighters are in the custody of the Government of Iraq as of August 2018 ⁽⁶⁶⁵⁾. Among the general prison population in Iraq, there are reportedly 1 350 foreign women and 580 children, most of whom had surrendered to ISF during operations in Tal Afar in 2017 ⁽⁶⁶⁶⁾.

As of 2017, UNAMI reported that Kurdistan Region authorities reportedly held 5 898 prisoners, which included 2 630 detainees and 3 268 convicts, mostly men (3 023) with 95 women and 150 juveniles ⁽⁶⁶⁷⁾.

Prison conditions and treatment

According to the UK Embassy in Baghdad, there are ‘considerable differences’ in detention conditions among various authorities with the Ministry of Justice prisons having the highest standards, compared to Ministries of Interior and Defence ⁽⁶⁶⁸⁾. Ministry of Justice detention facilities have been described by UNAMI as seriously overcrowded with poor infrastructure, including those facilities for juveniles ⁽⁶⁶⁹⁾. Other sources state that overcrowding was a common problem, with poor physical and sanitation conditions ⁽⁶⁷⁰⁾ and sometimes lacking access to food water and medical services ⁽⁶⁷¹⁾. Human Rights Watch also reported that Iraqi prison conditions were ‘deplorable’, noting in its reporting on 1 200 detained ISIL suspects, exposure to extreme overcrowding, lack of ventilation, overheating, lack of medical support contributing to deaths in detention and amputations for treatable wounds, and limited access to sanitation facilities ⁽⁶⁷²⁾.

⁽⁶⁵⁸⁾ Iraq, Constitution of the Republic of Iraq (15 October 2005), Unofficial English version available at: ([url](#)), Article 19 (11).

⁽⁶⁵⁹⁾ UNDP, UNDP trains mid-ranking police officers to improve the effectiveness of Local Police, 3 September 2018 ([url](#)), p. 11.

⁽⁶⁶⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)),

⁽⁶⁶¹⁾ AP, Iraq holding more than 19,000 because of IS, militant ties, 22 March 2018 ([url](#)).

⁽⁶⁶²⁾ New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)).

⁽⁶⁶³⁾ AP, Iraq holding more than 19,000 because of IS, militant ties, 22 March 2018 ([url](#)); New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)).

⁽⁶⁶⁴⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 8.

⁽⁶⁶⁵⁾ UN Secretary General, Seventh report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2018/770), 16 August 2018 ([url](#)), para. 10.

⁽⁶⁶⁶⁾ New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)), p. 13.

⁽⁶⁶⁷⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 11.

⁽⁶⁶⁸⁾ UK, Embassy in Baghdad, Information Pack for British Prisoners in Iraq (not including Kurdistan), September 2017 ([url](#)), p. 7.

⁽⁶⁶⁹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. vii.

⁽⁶⁷⁰⁾ UK, Embassy in Baghdad, Information Pack for British Prisoners in Iraq (not including Kurdistan), September 2017 ([url](#)), p. 7.

⁽⁶⁷¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 7.

⁽⁶⁷²⁾ HRW, Iraq: Hundreds Detained in Degrading Conditions, 13 March 2017 ([url](#)).

Women prisoners, particularly those detained on terrorism charges, have been subjected to rape and sexual assault ⁽⁶⁷³⁾. Sexual violence, rape and torture occur against women in detention, mainly against Sunni women accused of covering for their male relatives ⁽⁶⁷⁴⁾. Children were held in poor, overcrowded conditions and exposed to physical and sexual abuse in detention ⁽⁶⁷⁵⁾.

Torture remained a widespread practice in police detention, interrogation cells, and in prisons ⁽⁶⁷⁶⁾. Detained suspects are subject to treatment such as electrocution, solitary confinement, and beatings by investigators, according to a report on treatment of ISIL suspects by The Intercept in 2018 ⁽⁶⁷⁷⁾. There were reports of deaths in custody following torture or other ill treatment ⁽⁶⁷⁸⁾. Sources indicate that international human rights groups documented a wide range of torture and abuses in detention facilities run by MoI and to a lesser degree, in MoD facilities and in KRG ⁽⁶⁷⁹⁾. Detainees on terrorism charges were more likely to stay in detention for longer periods in MoI and MoD facilities ⁽⁶⁸⁰⁾.

KRG facilities in major cities were described as ‘well maintained’ compared to poorer conditions in smaller KRG MoI facilities; some Asayish jails held minors together with adults ⁽⁶⁸¹⁾.

6.5.5 Fair trial

The law requires that confessional statements must be corroborated with other evidence or be rejected if coercion is substantiated, however this did not always occur in court ⁽⁶⁸²⁾. Forced confessions frequently remained a common source of evidence in trials ⁽⁶⁸³⁾, often obtained by torture ⁽⁶⁸⁴⁾. Secret informant evidence is also frequently relied upon ⁽⁶⁸⁵⁾. Courts did not investigate detainee claims that they had been tortured while detained ⁽⁶⁸⁶⁾. A 2016 law allowed for retrials of detainees based on forced confession or secret informants; the Ministry of Justice claimed that 4 500 detainees were released as a result of the law between 2016 and 31 May 2017 ⁽⁶⁸⁷⁾. Sources describe trial procedures in Iraq as ‘deeply flawed’ ⁽⁶⁸⁸⁾ and did not meet international standards despite the efforts of judges to investigate, trial, and appellate courts to provide for the right to fair trial ⁽⁶⁸⁹⁾.

⁽⁶⁷³⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 29.

⁽⁶⁷⁴⁾ UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 15.

⁽⁶⁷⁵⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para. 86.

⁽⁶⁷⁶⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 156

⁽⁶⁷⁷⁾ Intercept (The), Justice for the Enemy, 17 June 2018 ([url](#)).

⁽⁶⁷⁸⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 29.

⁽⁶⁷⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 6.

⁽⁶⁸⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 6.

⁽⁶⁸¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

⁽⁶⁸²⁾ UK, Embassy in Baghdad, Information Pack for British Prisoners in Iraq (not including Kurdistan), September 2017 ([url](#)), p. 9.

⁽⁶⁸³⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2; USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 16.

⁽⁶⁸⁴⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2; Freedom House, Freedom in the World 2018 – Iraq, ([url](#)).

⁽⁶⁸⁵⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 27.

⁽⁶⁸⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), pp. 13, 14; HRW, Iraq: Judges Disregard Torture Allegations, 31 July 2018 ([url](#)).

⁽⁶⁸⁷⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 9.

⁽⁶⁸⁸⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)); HRW (Human Rights Watch), Flawed Justice, December 2017 ([url](#)).

⁽⁶⁸⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 16.

Detainees were not given sufficient access to government-appointed legal counsel or representation, despite provisions for it under the law ⁽⁶⁹⁰⁾. The lawyers subsequently stopped taking ISIL-related cases, leaving suspects to be defended by state-appointed lawyers, whom Human Rights Watch stated did not ‘provide a robust defense of these clients’ ⁽⁶⁹¹⁾. Human Rights Watch documented the issuance of arrest warrants against 15 private lawyers who were representing ISIL suspects in Ninewa’s counterterrorism court in 2017 ⁽⁶⁹²⁾.

Both UNAMI and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions described large scale problems of the lack of due process, fair trial rights and violation of the right to life, especially in relation to the application of the death penalty ⁽⁶⁹³⁾. The Special Rapporteur concluded in 2018 that ‘existing procedural guarantees to ensure fair trials are either not implemented in practice or proven insufficient against abuses of due process rights, resulting in systematic violations of the right to life’ ⁽⁶⁹⁴⁾. Children may also be sentenced to death and the age of criminal responsibility is nine. ⁽⁶⁹⁵⁾.

Anti-terrorism trials were particularly flawed ⁽⁶⁹⁶⁾. Under Iraqi law, the death penalty can be imposed under the Iraqi Penal Code (IPC) No. 111 of 1969 or the Anti-Terrorism Law No. 13 of 2005. Terrorism crimes are prosecuted in KRI under the Anti-Terrorism Law (No. 3 of 2006), which expired in July 2016 ⁽⁶⁹⁷⁾ and was later renewed in July 2018 ⁽⁶⁹⁸⁾. The KRG appears to have a ‘defacto moratorium’ on executions as of 2008 ⁽⁶⁹⁹⁾, though it executed three individuals in 2015 and another three in 2016 ⁽⁷⁰⁰⁾.

Most ISIL suspects being tried by the central government are in proceedings in the Ninewa governorate counter-terrorism court, though they also occur in the Baghdad counterterrorism chamber of the Central Criminal Court ⁽⁷⁰¹⁾. According to Human Rights Watch, individuals suspected of ISIL membership are charged under counterterrorism laws, not the penal code or in ordinary criminal courts, meaning a wide range of crimes can be tried from general support or membership of a terrorist group to specific crimes of torture, kidnapping or killing in affiliation with terrorist groups. Human Rights Watch states that investigations and trials for thousands of ISIL suspects are expedient, describing them as ‘too rushed to guarantee due process’, based primarily on confessions potentially

⁽⁶⁹⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 12; Intercept (The), Justice for the Enemy, 17 June 2018 ([url](#)).

⁽⁶⁹¹⁾ HRW, Iraq: Lawyers Arrested for Work in ISIS Courts, 10 August 2017 ([url](#)).

⁽⁶⁹²⁾ HRW, Iraq: Lawyers Arrested for Work in ISIS Courts, 10 August 2017 ([url](#)).

⁽⁶⁹³⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4; UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 67-68.

⁽⁶⁹⁴⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 67-68.

⁽⁶⁹⁵⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para. 86.

⁽⁶⁹⁶⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 35; Freedom House, Freedom in the World 2018 – Iraq, ([url](#)), accessed 25 July 2018; Revkin, M., The Limits of Punishments: Transitional Justice and Violent Extremism – Iraq Case Study, May 2018 ([url](#)); New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)).

⁽⁶⁹⁷⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 21.

⁽⁶⁹⁸⁾ Al Monitor, Renewal of anti-terror law threatens human rights in Kurdistan, 19 July 2018 ([url](#));

⁽⁶⁹⁹⁾ HRW, World Report 2018 – Iraq, 9 January 2018 ([url](#)).

⁽⁷⁰⁰⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 59.

⁽⁷⁰¹⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 28

obtained under duress, and offering ‘no meaningful opportunity to challenge evidence’ ⁽⁷⁰²⁾; sometimes trials last no more than 30 minutes ⁽⁷⁰³⁾.

The New York Times reported in April 2018 that 10 000 cases have been referred to counterterrorism courts, and 2 900 trials were completed, having a ‘98 percent conviction rate’ ⁽⁷⁰⁴⁾. The trials commonly end in the death penalty which is stipulated under Provision 4 of the Anti-Terrorism Law ⁽⁷⁰⁵⁾, and AP reported that more than 3 000 people have been sentenced to death ⁽⁷⁰⁶⁾, although the UN reports that number was 1 724 as of 2014, according to officials, though it is likely higher ⁽⁷⁰⁷⁾. The UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, who visited Iraq in November 2017, stated that there has been no information made public since 2015 on the number of charged, tried, death-sentenced, or executed persons, noting with concern the ‘mass executions’ that occurred in 2016 in ISIL/terrorism cases ⁽⁷⁰⁸⁾. UNAMI reports on multiple government announcements of confirmed death penalty convictions and executions in 2017, including the execution of 42 people in September 2017 for terrorism and 38 people in December 2017 ⁽⁷⁰⁹⁾. On 28 June 2018, 13 convicts were executed for terrorism and the Prime Minister reportedly ordered the execution of another 300 men and women ⁽⁷¹⁰⁾. The Minister of Justice stated in a press conference in 2017 that on average, there are three to four executions per week in Baghdad and Nassiriya prisons ⁽⁷¹¹⁾.

The Iraqi government has an amnesty law for those who demonstrate that they joined ISIL against their will and did not commit anti-terrorism crimes; this has been used to release nearly 10,000 suspects, according to the Chief Justice, as reported by HRW in December 2017 ⁽⁷¹²⁾. In August 2017, the Amnesty Amendment Law No. 80 of 2017 entered into force, which renders individuals convicted of various offences under the Anti-Terrorism Law ineligible for amnesty where the crime occurred after 10 June 2014 ⁽⁷¹³⁾. UNAMI expressed concern in 2018 that this development ‘appears to exclude the possibility that amnesty could be used as a tool for reconciliation and reintegration of persons convicted of being members of ISIL and denying convicted persons the right to seek a pardon’ or to commute their sentence as required under the ICCPR ⁽⁷¹⁴⁾. Appeals against the death penalty are rarely successful and clemency is prohibited for terrorism crimes under the Constitution of Iraq, Article 75 ⁽⁷¹⁵⁾; however it was reported that it can be granted under Article 5 of the Anti-Terrorism Law ⁽⁷¹⁶⁾.

⁽⁷⁰²⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 21

⁽⁷⁰³⁾ AP, Iraq holding more than 19,000 because of IS, militant ties, 22 March 2018 ([url](#)); see also: New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)).

⁽⁷⁰⁴⁾ New York Times (The), A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects, 17 April 2018 ([url](#)).

⁽⁷⁰⁵⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 21, 29

⁽⁷⁰⁶⁾ AP, Iraq holding more than 19,000 because of IS, militant ties, 22 March 2018 ([url](#)).

⁽⁷⁰⁷⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 67-68.

⁽⁷⁰⁸⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 64-66.

⁽⁷⁰⁹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4

⁽⁷¹⁰⁾ RFI, Irak: exécution de treize «terroristes» condamnés à mort, 29 June 2018 ([url](#)).

⁽⁷¹¹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.

⁽⁷¹²⁾ HRW, Flawed Justice, December 2017 ([url](#)), p. 33

⁽⁷¹³⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.1

⁽⁷¹⁴⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.1

⁽⁷¹⁵⁾ UNAMI/OHCHR, Report on the Death Penalty in Iraq, October 2014 ([url](#)), p. 2

⁽⁷¹⁶⁾ Al-Khatteeb, L. and Al Sadoon O., Iraq’s Rule of Law [Brookings Institution Oped], 26 July 2015 ([url](#)).

According to a report on the situation in Ninewa in December 2017 by Rise Foundation, in the judiciary, Sunni terrorism suspects are almost ‘exclusively tried under this [Anti-Terrorism] law’ and that ‘Shia offenders are tried for similarly violent crimes under the penal code’ ⁽⁷¹⁷⁾.

6.6 Tribal interactions with state justice

Roughly 75 % of Iraq’s population is either a member or an associate of one of the 150 main tribes in Iraq. These family-based clans and networks, which are most prominent in Sunni areas (Anbar, Salah al Din, Kirkuk and Ninewa) and in the southern areas (mainly Basra), help their tribesmen to obtain employment, government services, and protection from threats ⁽⁷¹⁸⁾. Tribes have been engaged to provide security and tribal law is described by a tribal leader as ‘fill[ing] gaps not addressed by the state’ where state institutions are weak ⁽⁷¹⁹⁾. Tribal dispute resolution is particularly important in poorer areas in southern and western Iraq ⁽⁷²⁰⁾.

Tribal customary law (*‘urf*) is a longstanding and important mechanisms for dispute resolution and preservation of order in Iraq ⁽⁷²¹⁾. It is based on a system of collective honour and responsibility, whereby disputes are resolved through restoration of equilibrium by reciprocity and compensation ⁽⁷²²⁾. Tribal justice in Iraq remains common ⁽⁷²³⁾ and has reportedly become increasingly popular and preferred to courts and police, particularly in central and southern Iraq ⁽⁷²⁴⁾. This was compounded post-ISIS, in Anbar, for example, where locals prefer to go to their local leaders rather than trust the state rule of law institutions ⁽⁷²⁵⁾ and as tribes have become fragmented ⁽⁷²⁶⁾. Tribal authorities are seen as more expedient for settling disputes than state justice institutions, or, used where the authorities fail to resolve the dispute ⁽⁷²⁷⁾, or where complainants need to pay bribes to state judicial officials ⁽⁷²⁸⁾. Dr. Chatelard observed that the tribal justice system is an auxiliary, rather than a competitor with the state judicial system; tribal structures are sanctioned in practice by the state, but do not have an official status and enforcement officials may also encourage conflicting parties to use the tribal justice system, while state courts sometimes also refer cases for tribal settlement ⁽⁷²⁹⁾.

Since 2003, tribal justice has been increasingly relied upon due to weak state capacity in the justice system, for issues ranging from murder, assault, armed conflict, theft ⁽⁷³⁰⁾, to commercial and criminal matters, to settlement through paying compensation (blood money or *diyya*) or exchanging women/girls ⁽⁷³¹⁾, vengeance, or marriage ⁽⁷³²⁾. Article 45 (2) of the Iraqi Constitution protects the advancement of tribes in Iraq, but prohibits tribal traditions that contradict human rights ⁽⁷³³⁾.

⁽⁷¹⁷⁾ Rise Foundation, Mosul and Tal Afar: Context Analysis, December 2017 ([url](#)), p. 27.

⁽⁷¹⁸⁾ Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018 ([url](#)).

⁽⁷¹⁹⁾ Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018 ([url](#)).

⁽⁷²⁰⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁷²¹⁾ Asfura-Heim, P. Chapter 6: Tribal Customary Law and Legal Pluralism in al Anbar, Iraq, in: Customary Justice and the Rule of Law in War-torn Societies, 2011, p. 239.

⁽⁷²²⁾ Asfura-Heim, P. Chapter 6: Tribal Customary Law and Legal Pluralism in al Anbar, Iraq, in: Customary Justice and the Rule of Law in War-torn Societies, 2011, p. 239.

⁽⁷²³⁾ Niqash, As Extremists Withdraw in Salahaddin, Iraq’s Tribes Demand Justice, 22 October 2015 ([url](#)).

⁽⁷²⁴⁾ Al Monitor, When conflict arises, these Iraqis go to the madeef, 30 October 2015 ([url](#)).

⁽⁷²⁵⁾ National (The), In post-ISIS Iraq, tribal justice grows in the shadow of Baghdad mistrust ([url](#)).

⁽⁷²⁶⁾ Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018 ([url](#)).

⁽⁷²⁷⁾ Al Monitor, When conflict arises, these Iraqis go to the madeef, 30 October 2015 ([url](#)).

⁽⁷²⁸⁾ Asharq Al-Awsat, In Iraq, Tribes are Stronger than Judiciary, 14 September 2016 ([url](#)).

⁽⁷²⁹⁾ Chatelard, G. Comment made during the review of this report, 30 October 2018.

⁽⁷³⁰⁾ Al Monitor, When conflict arises, these Iraqis go to the madeef, 30 October 2015 ([url](#)); Raseef22, South Iraq’s Armed Clans Outmuscling the State, 22 February 2018 ([url](#)).

⁽⁷³¹⁾ AW, Iraqi tribes take law and justice into their own hands, 22 January 2016 ([url](#)); IraqiNews, Armed tribal clash north of Basra leaves 5 casualties, 12 April 2017 ([url](#)); Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁷³²⁾ Al Monitor, Will Iraq’s new ‘tribal court’ undermine the rule of law? 12 April 2018 ([url](#)).

⁽⁷³³⁾ Al Monitor, Will Iraq’s new ‘tribal court’ undermine the rule of law? 12 April 2018 ([url](#)).

However, tribal dispute mechanisms can involve violations of human rights such as giving away female relatives as compensation ⁽⁷³⁴⁾ or honour killing; it may also include retributive killing/death or banishment ⁽⁷³⁵⁾. Women are ‘particularly vulnerable’ regarding tribal justice and can encounter harsh treatment for transgression of tribal customs ⁽⁷³⁶⁾. Tribal *Fasliya* marriages, or exchange marriages for compensation, have reportedly grown in recent years due to weak rule of law ⁽⁷³⁷⁾. In 2015 for example, one tribal dispute was resolved by giving away 50 women in compensation ⁽⁷³⁸⁾.

Due to the societal importance of tribal custom, powerful tribal affiliation can interfere with the police in upholding respect for the law ⁽⁷³⁹⁾. Tribal disputes are described as ‘widespread’ ⁽⁷⁴⁰⁾, especially in the south, with many tribes being well-armed ⁽⁷⁴¹⁾ and challenging state security and control ⁽⁷⁴²⁾.

Judicial authorities do not follow up on tribal incidents and judges must seek tribal protection themselves in case of threats against them ⁽⁷⁴³⁾. In southern Iraq, tribal clashes have also been reported in 2017 with clashes over oil, land, and construction contracts and social conflicts ⁽⁷⁴⁴⁾ as well as water scarcity ⁽⁷⁴⁵⁾. According to information provided to UNHCR, judicial officials and law enforcement ‘take sides’ in tribal disputes, along their own tribal affiliations ⁽⁷⁴⁶⁾. Tribes are also given privileges by government parties and politicians who seek tribal assistance and tribes also have connections within the security forces ⁽⁷⁴⁷⁾. Tribal members also escape punishment due to such connections ⁽⁷⁴⁸⁾. In 2015, a local NGO noted that tribal rulings also occurred in Baghdad, noting 800 such rulings there, 1 200 in Najaf, and 2 450 in Basra ⁽⁷⁴⁹⁾.

In ISIL-affected areas, Niqash reports that tribes seen as ISIL-affiliated such as Ajili and Albu Nasr have led to members or whole areas being targeted by security forces ⁽⁷⁵⁰⁾. Tribes have also enacted informal justice, revenge, assassinations, and disappearances in tribal justice against ISIL suspects ⁽⁷⁵¹⁾.

Tribal conflict resolution and customary law may also be used to prevent feuds from escalating through arbitration and mediation ⁽⁷⁵²⁾ and formal linkages with the state system have been created ⁽⁷⁵³⁾. In 2017, USIP reported on the unusual step taken by over 100 tribal sheikhs in Hawija who agreed to make a formal agreement to cooperate with the state justice system and ban ‘collective punishment’, instead of using tribal justice to handle ISIL ‘fighters and supporters’ ⁽⁷⁵⁴⁾. In August 2018, tribal and community leaders and the local government in Ninewa and Tal Afar signed a mutual

⁽⁷³⁴⁾ AW, Iraqi tribes take law and justice into their own hands, 22 January 2016 ([url](#));

⁽⁷³⁵⁾ Asfura-Heim, P. Chapter 6: Tribal Customary Law and Legal Pluralism in al Anbar, Iraq, in: Customary Justice and the Rule of Law in War-torn Societies, 2011, p. 256.

⁽⁷³⁶⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28.

⁽⁷³⁷⁾ ICSSI, No to Harrassment, No to Tribal Fasliya! Iraqi Women Want Their Rights and Freedom! July 2015 ([url](#)); Al Monitor, Blood money marriage makes a comeback in Iraq, 18 June 2015 ([url](#)).

⁽⁷³⁸⁾ ICSSI, No to Harrassment, No to Tribal Fasliya! Iraqi Women Want Their Rights and Freedom! July 2015 ([url](#)).

⁽⁷³⁹⁾ AFP, Tribes, and tradition stand in way of Iraq police, 23 September 2017 ([url](#)).

⁽⁷⁴⁰⁾ Al Monitor, Can Iraq curb tribal disputes? 20 January 2016 ([url](#)).

⁽⁷⁴¹⁾ Al Monitor, Can Iraq curb tribal disputes? 20 January 2016 ([url](#)); Raseef22, South Iraq’s Armed Clans Outmuscling the State, 22 February 2018 ([url](#)).

⁽⁷⁴²⁾ Raseef22, South Iraq’s Armed Clans Outmuscling the State, 22 February 2018 ([url](#)).

⁽⁷⁴³⁾ AW, Iraqi tribes take law and justice into their own hands, 22 January 2016 ([url](#)).

⁽⁷⁴⁴⁾ Reuters, Tribal clashes, political void threaten oil installations in Iraq’s south, 11 September 2017 ([url](#)); IraqiNews, Armed tribal clash north of Basra leaves 5 casualties, 12 April 2017 ([url](#)).

⁽⁷⁴⁵⁾ Al Monitor, Tribal disputes flare in southern Iraq over water scarcity, 15 February 2018 ([url](#)).

⁽⁷⁴⁶⁾ UNHCR, Tribal Conflict Resolution, January 2018 ([url](#)), p. 4.

⁽⁷⁴⁷⁾ AW, Iraqi tribes take law and justice into their own hands, 22 January 2016 ([url](#)).

⁽⁷⁴⁸⁾ Niqash, As Extremists Withdraw in Salahaddin, Iraq’s Tribes Demand Justice, 22 October 2015 ([url](#)).

⁽⁷⁴⁹⁾ AW, Iraqi tribes take law and justice into their own hands, 22 January 2016 ([url](#)).

⁽⁷⁵⁰⁾ Niqash, As Extremists Withdraw in Salahaddin, Iraq’s Tribes Demand Justice, 22 October 2015 ([url](#)).

⁽⁷⁵¹⁾ USIP, Special Report 389: Justice and Security Needs in Iraq after ISIL, August 2016 ([url](#)), pp. 7-8.

⁽⁷⁵²⁾ CNA, “No Security Without Us”: Tribes and Tribalism in Al Anbar Province, Iraq, June 2014 ([url](#)), pp. 12-13; Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018 ([url](#)).

⁽⁷⁵³⁾ Chatelard, G., Comment made during the review of this report, 30 October 2018.

⁽⁷⁵⁴⁾ USIP, Iraqi Tribes Sharpen Legal Tools to Root Out ISIS, 22 June 2017 ([url](#)).

agreement to facilitate the return of 40 000 IDPs to Ayadiyah, with tribal authorities agreeing to cooperate with state forces and the rule of law in pursuing justice and ISIS members and suspects ⁽⁷⁵⁵⁾. In 2018, the Ministry of Justice announced a new ‘arbitration initiative’ to create a team of 47 Sheikhs who will work voluntarily as tribal arbitrators to resolve tribal disputes, in direct affiliation with the Ministry of Justice, to attempt prevention of escalation; though the initiative has been criticised by civil society for undermining state institutions, creating a parallel justice structure, and undermining human rights ⁽⁷⁵⁶⁾.

7. Oversight mechanisms and complaints

7.1 Offices of Inspectors General (OIG)

Following the removal of Saddam Hussein, Iraq attempted to restore public confidence and reduce corruption by establishing an Inspector General Office as ‘independent, internal control unit[s]’ within numerous Iraqi ministries and public institutions ⁽⁷⁵⁷⁾. There are reportedly 36 such offices, some of which have regional branches ⁽⁷⁵⁸⁾. The IGs are appointed by the Prime Minister and confirmed by the CoR, and report directly to the respective Minister concerned ⁽⁷⁵⁹⁾.

Within the OIGs of ministries, there are Directorates of Human Rights, to which complaints of torture by law enforcement or investigating officers can be reported ⁽⁷⁶⁰⁾.

OIGs are responsible for tasks including:

- investigating integrity and transparency of ministry operations;
- reporting violations and cases of criminal behaviour to law enforcement officials;
- coordinating with relevant bodies such as the Integrity Commission;
- receiving and following up on complaints from citizens playing a similar role to an Ombudsman;
- verifying performance and efficiency of the ministry’s operations; implementing corrective action;
- preventing fraud, waste and abuse and promote integrity and accountability ⁽⁷⁶¹⁾.

Such bodies are available to receive complaints within Ministries of Justice, Interior, Defence, Labour and Social Affairs, the CoI, and the Department of Public Prosecutions ⁽⁷⁶²⁾. The Ministry of Interior has an Office of the Inspector General which is responsible for ‘observation and enforcement of human rights’ in the Ministry and for those in MoI detention facilities ⁽⁷⁶³⁾. In 2018, the EU announced that its Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq) would provide

⁽⁷⁵⁵⁾ Sanad, Press Release: Announcement of Peaceful Coexistence Pact of honor for the Tribes in Al-Ayadiyah Sub-district, 10 August 2018 ([url](#)).

⁽⁷⁵⁶⁾ Al Monitor, Will Iraq’s new ‘tribal court’ undermine the rule of law? 12 April 2018 ([url](#)).

⁽⁷⁵⁷⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), p. 44.

⁽⁷⁵⁸⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), p. 44.

⁽⁷⁵⁹⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), p. 46.

⁽⁷⁶⁰⁾ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 ([url](#)), para. 90.

⁽⁷⁶¹⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), pp. 44-45.

⁽⁷⁶²⁾ Iraq, Consideration of reported submitted by States parties under article 40 of the Covenant: Fifth periodic reports of States parties due in 2000 (CCPR/C/IRQ/5), 12 December 2013 ([url](#)), para. 90.

⁽⁷⁶³⁾ EU, EEAS, EUAM: Providing strategic advice on Gender and Human Rights in Iraq, 27 March 2018 ([url](#)).

advice to the Inspector General of Mol on issues of gender and human rights ⁽⁷⁶⁴⁾ and established a joint coordination centre in June 2018 ⁽⁷⁶⁵⁾.

OIGs within government ministries are vague in terms of referring matters to courts, while the OIGs 'personnel are subject to intimidation and political influence' ⁽⁷⁶⁶⁾. The institutions are described as weak, uncoordinated, lacking capacity ⁽⁷⁶⁷⁾, and 'deeply influenced' by political circumstances and respective ministers who have the power to fire OIGs ⁽⁷⁶⁸⁾. In 2018, UNAMI recommended that the Iraqi government establish an independent oversight body such as an ombudsman or 'police disciplinary tribunal' to independently investigate cases of alleged abuses of authority and disappearances ⁽⁷⁶⁹⁾. Sources describe an environment characterised by corruption and where impunity is prevalent ⁽⁷⁷⁰⁾ and complaints of torture and ill-treatment are rarely investigated or prosecuted ⁽⁷⁷¹⁾.

7.2 Commission of Integrity (Col)

The Iraqi Commission of Integrity (Col) is an anti-corruption body responsible for investigating and prosecuting corruption ⁽⁷⁷²⁾ as an 'independent political body supervised by the parliament' ⁽⁷⁷³⁾; however, the Commission falls under direct control of Cabinet, as a result of 'controversial court rulings' ⁽⁷⁷⁴⁾. The Commission's mandate 'ensures that elected representatives disclose their financial records to guarantee transparency' in an effort to re-establish public trust in government ⁽⁷⁷⁵⁾. It is also tasked with :

- investigating corruption under supervision of a competent judge in compliance with criminal legal procedures;
- following cases of corruption that are outside COI's scope through legal representatives;
- fostering accountability, integrity, transparency and public ethics;
- drafting and submitting legislation on combating corruption for submission to the Prime Minister, President, or parliamentary committees;
- issuing organisational instructions on conflicts of interest and financial disclosure;
- issuing codes of conduct for use of public assets ⁽⁷⁷⁶⁾.

The Commission's website provides several phone numbers and an email address through which corruption can be reported ⁽⁷⁷⁷⁾. Under the law, any person or legal body can submit corruption complaints to the pertinent ministry's Inspector General, or to the Commission of Integrity's Department of Complaints and Reports ⁽⁷⁷⁸⁾.

⁽⁷⁶⁴⁾ EU, EEAS, EUAM: Providing strategic advice on Gender and Human Rights in Iraq, 27 March 2018 ([url](#)).

⁽⁷⁶⁵⁾ EU, EEAS, The Ministry of Interior and EUAM Agree to Establish Joint Coordination Center, 7 June 2018 ([url](#)).

⁽⁷⁶⁶⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 31.

⁽⁷⁶⁷⁾ International Crisis Group, Failing Oversight: Iraq's Unchecked Government, 26 September 2011 ([url](#)), pp. 11, 14-16.

⁽⁷⁶⁸⁾ Younis, N. and Mahdy, S., The Next War in Iraq Needs to be on Corruption, 16 December 2016 ([url](#)).

⁽⁷⁶⁹⁾ UNAMI, Report on Human Rights in Iraq — July to December 2017, 8 July 2018 ([url](#)), p. iii.

⁽⁷⁷⁰⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 — Iraq, 28 May 2018 ([url](#)), p. 156; UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 21.

⁽⁷⁷¹⁾ UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 21.

⁽⁷⁷²⁾ Iraq, COI, About COI, 16 September 2009 ([url](#)); Sowell, K. Abadi's Failed Reforms, 17 November 2015 ([url](#)).

⁽⁷⁷³⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 31.

⁽⁷⁷⁴⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

⁽⁷⁷⁵⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 31.

⁽⁷⁷⁶⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), pp. 35-36.

⁽⁷⁷⁷⁾ Iraq, COI (Commission of Integrity), About COI, 16 September 2009 ([url](#)), accessed 25 July 2018.

⁽⁷⁷⁸⁾ USDOS, Investment Climate Statements 2018 — Iraq, 19 July 2018 ([url](#)).

The Director General of COI can permit the opening of investigations in regions where there is no regional office ⁽⁷⁷⁹⁾. The complaint referral procedure relies on the Offices of the Inspectors General existing in Iraq's public administration 'as internal, independent control unit[s]'. The referral procedure goes from the Office of the Inspector General to the COI. Cases that are investigated by COI may be referred to courts, who decide whether to proceed with prosecution, and if so, the matter is referred to the Ministry of Interior for the issuance of arrest warrants ⁽⁷⁸⁰⁾.

In July 2016, the Col demanded that 2 000 people be arrested on charges of corruption and bribery and six MPs were given travel bans ⁽⁷⁸¹⁾. In the first half of 2017, Col filed more than 4 000 corruption cases, issued 880 arrest warrants, referred 1 249 officials' cases to court for corruption, and secured convictions for 285 corruption cases, including several ministers ⁽⁷⁸²⁾. A Col quarterly report on activities in the first quarter of 2018 reported that since 2017, the Col has been working on 6 219 criminal cases, of which 37.88 % (2 356) were 'completed' (closed or referred to other courts) and most (62 %) were still under investigation 'supervised by the judiciary' ⁽⁷⁸³⁾. According to sources 'the lack of good relations between the Commission and law enforcement agencies impedes the implementation of follow-up efforts' ⁽⁷⁸⁴⁾ and the Col had limited capacity to investigate ⁽⁷⁸⁵⁾. In 2014, the now former chief of the Integrity Commission tried to call for an investigation into former Prime Minister Nuri al Maliki for corruption and abuse of office, however, no further actions were taken ⁽⁷⁸⁶⁾. Abadi attempted to reform the government in 2016 by dissolving 11 cabinet positions, but protests by Moqtada al-Sadr forced him to change all cabinet ministers except the Minister of Interior and Defence ⁽⁷⁸⁷⁾. According to Iraq analyst Harith Hassan, 'substantial results' have not yet been delivered in the fight against corruption due to the sensitivities of going after people in senior political positions and due to politically motivated anti-corruption pursuits ⁽⁷⁸⁸⁾. Similarly, in a 2016 interview with the Guardian newspaper, the head of the Iraqi anti-corruption commission stated that he had accepted bribes himself and that due to the seniority of those involved in corruption, efforts to address it have been undermined ⁽⁷⁸⁹⁾. Cases that are compiled rarely end up in convictions due to politicisation in the courts ⁽⁷⁹⁰⁾. Also, investigations by the Col against some judges have also been reportedly politically motivated ⁽⁷⁹¹⁾.

According to Bertelsmann Stiftung, writing in 2018, 'Iraq's legal framework is not sufficient to fight corruption effectively; the country also shows a lack of will to engage, and a lack of human and financial resources' while personnel involved in anti-corruption activities including the Col are subjected to threats and political influence ⁽⁷⁹²⁾. Several directors have previously been forced from their position and complained of threats of violence ⁽⁷⁹³⁾.

⁽⁷⁷⁹⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), pp. 35-36.

⁽⁷⁸⁰⁾ UNDP-Iraq, Technical Assistance to the Offices of Inspectors General in Iraq, January 2014 ([url](#)), pp. 35-36.

⁽⁷⁸¹⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

⁽⁷⁸²⁾ USDOS, Country Reports on Human Rights Practices for 2017 — Iraq, 20 April 2018 ([url](#)), pp. 35-36.

⁽⁷⁸³⁾ Iraq, Col (Commission of Integrity), Col Activities for the First Quarter of 2018, 2018 ([url](#)), pp. 4-5.

⁽⁷⁸⁴⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 31.

⁽⁷⁸⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 — Iraq, 20 April 2018 ([url](#)), pp. 35-36.

⁽⁷⁸⁶⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), pp. 12-13.

⁽⁷⁸⁷⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 31.

⁽⁷⁸⁸⁾ Hasan, H., Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq, Atlantic Council, July 2018 ([url](#)), pp. 12-13; USDOS, Country Reports on Human Rights Practices for 2017 — Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁷⁸⁹⁾ Guardian (The), Post-war Iraq: Everybody is corrupt from top to bottom. Including me, 19 February 2016 ([url](#)).

⁽⁷⁹⁰⁾ Younis, N. and Mahdy, S., The Next War in Iraq Needs to be on Corruption, 16 December 2016 ([url](#)).

⁽⁷⁹¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 — Iraq, 20 April 2018 ([url](#)), p. 15.

⁽⁷⁹²⁾ Bertelsmann Stiftung, BTI 2018 Country Report — Iraq, 2018 ([url](#)), p. 31.

⁽⁷⁹³⁾ Younis, N. and Mahdy, S., The Next War in Iraq Needs to be on Corruption, 16 December 2016 ([url](#)).

7.3 Iraqi High Commission for Human Rights (IHCHR)

The Ministry of Human Rights was abolished by Prime Minister al-Abadi in August 2015 during a series of reforms ⁽⁷⁹⁴⁾ aimed at reducing corruption and mismanagement ⁽⁷⁹⁵⁾. Ministry staff were transferred to the IHCHR ⁽⁷⁹⁶⁾. The IHCHR was established by law in 2008 and created in 2012 as Iraq's national human rights body which has a mandate to accept individual complaints, investigate them, and provide education and information on human rights. It also carries out monitoring activities and submits an annual report to Parliament ⁽⁷⁹⁷⁾.

The Iraqi Parliament votes on and selects the 13 board members of the IHCHR. The IHCHR Board has 11 of the 13 Board seats distributed across main party blocs (5 seats to Shiite National Alliance, 3 to Union of Sunni Forces, 2 to Kurdistan Alliance and 1 for Assyrian Movement) ⁽⁷⁹⁸⁾. It is also supposed to include a representative of civil society and a representative of UNAMI, who also reportedly raised concerns about party quotas relating to board selection in 2017 ⁽⁷⁹⁹⁾. A new board, president, and deputy were eventually elected in December 2017 ⁽⁸⁰⁰⁾. NGOs complained that the selection process was politicised ⁽⁸⁰¹⁾.

However, there were complaints that the system did not allow for effective monitoring human rights by the IHCHR ⁽⁸⁰²⁾, that its effectiveness was unclear and that it lacked capacity ⁽⁸⁰³⁾. The UN Human Rights Committee noted that the Commission lacked adequate resources to effectively discharge some of its activities, such as visiting detention facilities ⁽⁸⁰⁴⁾.

Any citizen can file a complaint with the commission ⁽⁸⁰⁵⁾. The website of the commission allows for complaints to be filed electronically online ⁽⁸⁰⁶⁾.

7.4 Investigations into state forces abuses

Mol and MoD have internal courts ⁽⁸⁰⁷⁾. In June 2017, the government also created an investigative committee to review abuse allegations ⁽⁸⁰⁸⁾ committed under the Mol ⁽⁸⁰⁹⁾. The government also reportedly set up a new directorate of discipline for the security forces in 2017 and an associated detention centre ⁽⁸¹⁰⁾.

In summer 2017, the government announced it would investigate abuses that occurred in Mosul during liberation operations and in August 2017, that 'perpetrators had been referred to the judiciary'

⁽⁷⁹⁴⁾ USDOS, Country Reports on Human Rights Practices for 2016 – Iraq, 3 March 2017 ([url](#)), p. 48

⁽⁷⁹⁵⁾ RFE/RL, Iraqi PM Scraps 11 Cabinet Posts in Reform Drive, 16 August 2015 ([url](#)).

⁽⁷⁹⁶⁾ USDOS, Country Reports on Human Rights Practices for 2016 – Iraq, 3 March 2017 ([url](#)), p. 48

⁽⁷⁹⁷⁾ Iraq, IHCHR, Mandate and Functions, 5 April 2015 ([url](#)); Sweden, Lifos, Iraq: Rule of Law in the Security and Legal System, 8 May 2014 ([url](#)), p. 19

⁽⁷⁹⁸⁾ ICSSI, The New Iraqi High Commission for Human Rights Faces Serious Objections from Civil Society, 29 July 2017 ([url](#)).

⁽⁷⁹⁹⁾ ICSSI, The New Iraqi High Commission for Human Rights Faces Serious Objections from Civil Society, 29 July 2017 ([url](#)).

⁽⁸⁰⁰⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 156

⁽⁸⁰¹⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 10.

⁽⁸⁰²⁾ ICSSI, The New Iraqi High Commission for Human Rights Faces Serious Objections from Civil Society, 29 July 2017 ([url](#)); EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 156

⁽⁸⁰³⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 9.

⁽⁸⁰⁴⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 7.

⁽⁸⁰⁵⁾ Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), p. 19.

⁽⁸⁰⁶⁾ Iraq, IHCHR, Submit a Complaint, n.d. ([url](#)).

⁽⁸⁰⁷⁾ GJPI, Special Courts and Tribunals, 29 November 2009 ([url](#)).

⁽⁸⁰⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p.4;

⁽⁸⁰⁹⁾ ABC News, Watchdogs: Iraqi troops beat and execute Mosul prisoners in new videos, 14 July 2017 ([url](#)).

⁽⁸¹⁰⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 57-58.

(⁸¹¹). UN sources in 2018 state that authorities have admitted that violations of rights and law have been carried out by the ISF and its associated forces and announced investigations into these crimes (⁸¹²).

Public statements by PM al Abadi in 2017 maintained these were ‘individual’ acts, not systematic, and that perpetrators would be punished (⁸¹³). The government took ‘credible steps’ to examine abuse allegations in government facilities, but the extent of the impact was unknown (⁸¹⁴) and such efforts remained ‘ad hoc’ and only temporarily or locally effective (⁸¹⁵). The UN also stated in June 2018, ‘it is unclear how effective these accountability mechanisms and the investigations conducted to date are, as it appears no legal proceedings have been opened’ in relation to alleged ISF violations, specifically those that occurred in 2014 (Bani Wais village), in June 2016 (north of Fallujah, deaths of 49 people and disappearance of 643 men and boys), and in the battle for Mosul (⁸¹⁶).

USDOS states that such human rights abuses by ISF and Peshmerga occur with impunity (⁸¹⁷).

7.5 Investigations of ISIL war crimes, crimes against humanity, genocide

During the ISIL conflict, it is reported that thousands of people have been forcibly disappeared, most of whom are not accounted for; the Yazidi community for instance, has reported 6 450 people missing, most of whom are feared dead and in mass graves (⁸¹⁸). It is estimated that a million persons are buried in mass graves across Iraq due to mass killings under Saddam Hussein, sectarian violence, and due to ISIL (⁸¹⁹). Mass graves continue to be uncovered, most of the victims from ISIL killings (⁸²⁰). As of October 2018, UNAMI/OHCHR documented 202 mass grave sites, mainly located in Ninewa (95), Kirkuk (37), Salah al-Din (26) and Anbar (24), with the number of buried victims estimated to be between 6 000 to over 12 000, including women, children, elderly people, disabled people, Iraqi security force members and police, and some foreign workers (⁸²¹). A mass grave found near Mosul reportedly contained 4 000 bodies, mainly of Yazidis (⁸²²). In April 2018, mass graves were found in

(⁸¹¹) UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 57-58.

(⁸¹²) UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2; UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 57-58; ABC News, Watchdogs: Iraqi troops beat and execute Mosul prisoners in new videos, 14 July 2017 ([url](#)).

(⁸¹³) UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.2.

(⁸¹⁴) USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

(⁸¹⁵) US, Lead Inspector General for Overseas and Contingency Operations, Operation Inherent Resolve and Operation Pacific Eagle-Philippines – April 1 2018-June 30 2018 ([url](#)), p. 35.

(⁸¹⁶) UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 57-58./

(⁸¹⁷) USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 2.

(⁸¹⁸) UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 73.

(⁸¹⁹) UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 77.

(⁸²⁰) UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/677), 9 July 2018 ([url](#)), para. 43; UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), pp. vi, 3.

(⁸²¹) UNAMI/OHCHR, “Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL”, 6 November 2018 ([url](#)), p. 1; UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), pp. vi, 3;

(⁸²²) US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

Mosul with the bodies of 51 security forces members and another with 22 bodies of electoral commission employees ⁽⁸²³⁾.

The UN Security Council adopted Resolution 2379 in September 2017, creating an independent investigating body to support Iraq-led investigations into ISIL war crimes, crimes against humanity and genocide. The action promotes accountability and support for Iraq's capacity to carry out evidence-gathering ⁽⁸²⁴⁾. Iraq's Mass Graves Directorate is tasked with opening, investigating and identifying mortal remains in mass graves; the Directorate has 43 staff, including 11 administrative staff, a technical team of crime and forensic experts, an archaeologist, photographer and IT expert. The Directorate noted that it has insufficient resources, space, and equipment to deal with the scale of needs for site investigation and gathering of evidence related to crimes committed ⁽⁸²⁵⁾.

Iraqi courts 'do not have jurisdiction over international crimes committed in Iraq' and UNAMI noted in its July 2018 human rights report on the second half of 2017 that the 'capacity to investigate and try perpetrators of such crimes remains extremely weak' ⁽⁸²⁶⁾. UNAMI has advocated for a draft law and a specialised court for this purpose and that will replace the death penalty with a life sentence for concerned crimes ⁽⁸²⁷⁾.

7.6 Redress through courts and reparations

Although civil and administrative remedies exist for human rights violations through the courts, they were not effectively implemented due to the lack of judicial independence and security-oriented interest of the executive branch ⁽⁸²⁸⁾. Legal mechanisms to protect human rights and institutions to guarantee constitutional rights encounter capacity problems ⁽⁸²⁹⁾. The government did not provide the UN with information about actual reparation and compensation ordered by the courts to be provided to torture victims ⁽⁸³⁰⁾.

Acts No. 3 and No. 4 of 2006 and No. 20 of 2009 provide for financial reparations for victims of past human rights violations; however, domestic law 'does not contain a comprehensive reparation for which the State is responsible' ⁽⁸³¹⁾. Trafficking victims and survivors of ISIL sexual violence crimes were reportedly provided with services and compensation by the government of Iraq; the state reported that it allocated USD 857 630 for Yazidi victims in 2017, though hundreds reportedly did not receive the compensation ⁽⁸³²⁾.

⁽⁸²³⁾ UN Secretary-General, Implementation of resolution 2367 (2017) – Report of the Secretary-General (S/2018/677), 9 July 2018 ([url](#)), para. 43

⁽⁸²⁴⁾ EU, EEAS, Annual Report on Human Rights and Democracy 2017 – Iraq, 28 May 2018 ([url](#)), p. 156.

⁽⁸²⁵⁾ UNAMI/OHCHR, "Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL", 6 November 2018 ([url](#)), p. 12.

⁽⁸²⁶⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 7.

⁽⁸²⁷⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), p. 8.

⁽⁸²⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 17.

⁽⁸²⁹⁾ Australia, DFAT, Country Information Report – Iraq, 26 June 2017 [available upon request], p. 8.

⁽⁸³⁰⁾ UN Committee Against Torture, Concluding observations on the initial report of Iraq (CAT/C/IRQ/CO/1), 7 September 2015 ([url](#)), para. 31.

⁽⁸³¹⁾ UN Committee on Enforced Disappearances, Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention (CED/C/IRQ/CO/1), 13 October 2015 ([url](#)), para. 31.

⁽⁸³²⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)), p. 232.

8. Kurdistan Region of Iraq

8.1 Security institutions - General

The Kurdistan Regional Security Council (KRSC) oversees and coordinates the ‘intelligence and security community’ in KRI, reporting to the President through its Chancellor. ⁽⁸³³⁾. The KRSC also has an elite counter-terrorism force which works jointly with international coalition forces ⁽⁸³⁴⁾.

8.1.1 Procedures

For information on arrest and detention procedures see [Section 4.3](#) of this report.

KRG security forces detained suspects in areas where the KRG is in control, however, disputed regions created confusion over jurisdiction for courts and arresting authorities ⁽⁸³⁵⁾.

DIS reports that the Peshmerga do not have the legal authority to keep prisoners, however it detained combatants and ISIL suspects ⁽⁸³⁶⁾. KRG has also transferred ISIL suspects to the federal authorities ⁽⁸³⁷⁾. Human Rights Watch reports that it is a general practice for the Peshmerga to transfer detained individuals to the Asayish ⁽⁸³⁸⁾.

Asayish forces reportedly run informal detention facilities ⁽⁸³⁹⁾. Detention conditions in KRG’s new facilities in major cities were reportedly well-maintained compared to smaller ones operated by the Mol. Facilities of the Asayish reportedly held some minors with adults ⁽⁸⁴⁰⁾.

8.1.2 Peshmerga - Mandate and structure

In the Kurdistan region, the Peshmerga and ‘militias of the KDP and PUK’ are responsible for maintaining order in KRI, according to USDOS ⁽⁸⁴¹⁾. The KRG Ministry of Peshmerga Affairs oversees the Peshmerga ⁽⁸⁴²⁾. The KDP’s Zerevani and the PUK’s Emergency Force are both de facto part of the Peshmerga although they report to the Ministry of Interior ⁽⁸⁴³⁾, thereby having both a civilian policing and military function ⁽⁸⁴⁴⁾. They are described as a ‘military police force’ with functions that switch between police work and soldiering ⁽⁸⁴⁵⁾. Both of these groups were involved in frontline anti-ISIL operations largely being active in their respective traditional zones of political influence ⁽⁸⁴⁶⁾.

⁽⁸³³⁾ Iraq, Kurdistan Region, Kurdistan Regional Security Council – People and Organization, n.d., ([url](#)).

⁽⁸³⁴⁾ Iraq, Kurdistan Region, Kurdistan Regional Security Council – People and Organization, n.d., ([url](#)).

⁽⁸³⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 12.

⁽⁸³⁶⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 39.

⁽⁸³⁷⁾ Iraq, Kurdistan Region, Clarification on Human Rights Watch (HRW) Report, 4 March 2018 ([url](#)); Iraq, Kurdistan Region, International Reports Committee: Statement on Human Rights Watch Report, 11 January 2018 ([url](#)).

⁽⁸³⁸⁾ HRW, “Life Without a Father is Meaningless” Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017, 27 September 2018 ([url](#)).

⁽⁸³⁹⁾ HRW, Kurdistan Region of Iraq: 350 Prisoners ‘Disappeared’, 21 December 2017 ([url](#)).

⁽⁸⁴⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

⁽⁸⁴¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 10.

⁽⁸⁴²⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 10.

⁽⁸⁴³⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan’s Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 2.

⁽⁸⁴⁴⁾ Warisboring.com, Mosul Needs 35,000 Cops, 27 March 2017 ([url](#)).

⁽⁸⁴⁵⁾ Warisboring.com, Mosul Needs 35,000 Cops, 27 March 2017 ([url](#)).

⁽⁸⁴⁶⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan’s Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 3.

The Peshmerga is part of the Iraqi Security Forces (ISF), but falls under the jurisdiction of KRG but also has to follow certain Iraqi laws ⁽⁸⁴⁷⁾. Under the 2009 Law No. 5 on the Peshmerga, the Peshmerga is a regular united military force and it is prohibited that political parties maintain militias or private armed groups ⁽⁸⁴⁸⁾. Since 2010, fourteen regional brigades (about 40 000 personnel) have been integrated under the Ministry of Peshmerga, however, outside these brigades, there are an estimated 120 000 Peshmerga, mainly divided between the PUK's 70 Unit and the KDP's 80 Unit, who are 'directly controlled' by their Political Bureaus, not the Ministry of Peshmerga Affairs ⁽⁸⁴⁹⁾. In July 2014, the Kurdish Parliament instructed the KRG to unify the command of the Peshmerga within six months; however, it still remains divided on partisan lines ⁽⁸⁵⁰⁾. The Peshmerga are a predominantly Kurdish force and recruitment is patronage-based ⁽⁸⁵¹⁾.

The Peshmerga initially abandoned positions in non-Kurdish areas of Ninewa province in the face of ISIL's advance in 2014 ⁽⁸⁵²⁾. Their collapse was so severe in those areas that US and Iranian forces intervened on their behalf; with their support, Kurdish forces halted the advance and retook ISIL territory with the support of US airstrikes and counterattacks ⁽⁸⁵³⁾. Since then, the Peshmerga and other Kurdish forces were 'among the most successful ground forces' fighting ISIL ⁽⁸⁵⁴⁾. Also, after the rollback of ISIL, KRGs were 'dramatically expanding its control over the Ninewa plans and northwestern portion of the province' ⁽⁸⁵⁵⁾. This territory was then rapidly lost against in October 2017 when PMU and ISF forces rolled back Kurdish forces from the disputed territories in the wake of the Kurdish independence referendum that was opposed by Baghdad ⁽⁸⁵⁶⁾.

8.1.3 Ministry of Interior and Police - Mandate and structure

Municipal police are responsible for traditional civil and traffic enforcement, environmental policing, immigration enforcement, and facilities protection roles ⁽⁸⁵⁷⁾. Municipal police forces are responsible for routine policing, patrols, first response and investigation to minor felonies although they have a range of administrative functions. Emergency police handle major felonies ⁽⁸⁵⁸⁾.

According to a research paper on the KRG security forces published in 2009, the municipal police remain politically divided along party lines ⁽⁸⁵⁹⁾. Police forces in the Dohuk and Erbil governorates which are KDP dominated, report to the Ministry of Interior, and have a General Directorate in charge of each governorate, with district and sub-districts police stations. Police in the PUK area around Sulaymaniyah have stations distributed throughout the governorate ⁽⁸⁶⁰⁾.

⁽⁸⁴⁷⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 40.

⁽⁸⁴⁸⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 2.

⁽⁸⁴⁹⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 3.

⁽⁸⁵⁰⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 1.

⁽⁸⁵¹⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 5.

⁽⁸⁵²⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 37.

⁽⁸⁵³⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 37; Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 6.

⁽⁸⁵⁴⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 6.

⁽⁸⁵⁵⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 37.

⁽⁸⁵⁶⁾ Ahn, J. et al., The Politics of Security in Ninewa, 7 May 2018 ([url](#)), p. 37.

⁽⁸⁵⁷⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 195.

⁽⁸⁵⁸⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 198.

⁽⁸⁵⁹⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 196.

⁽⁸⁶⁰⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 198.

8.1.4 Asayish - Mandate and structure

The Asayish is the intelligence agency of the Kurdistan Regional Government responsible for ‘domestic security throughout the region’ working in cooperation with the MoI and Ministry of Justice ⁽⁸⁶¹⁾. The Asayish is regulated by law for responsibilities over counter-terrorism, counter-trafficking of human beings, drug and weapons and matters of national security ⁽⁸⁶²⁾. The website of the General Security Department states that the Asayish is overseen by Parliament and the KRG Council of Ministers ⁽⁸⁶³⁾.

According to HRW, the legally authorised law enforcement powers of KRI intelligence services are ‘unclear’ ⁽⁸⁶⁴⁾. Asayish has provincial, district and sub-district offices ⁽⁸⁶⁵⁾.

Within Asayish, there are political allegiances between the KDP and PUK and parties also had their own intelligence services: the KDP’s intelligence service, Parastin, and the PUK’s Zanyari ⁽⁸⁶⁶⁾, with PUK essentially controlling Sulaymaniyah Asayish and KDP controlling the Erbil office of Asayish ⁽⁸⁶⁷⁾. These two intelligence agencies were unified under the law in 2011; however, they continue to work closely with the official branch of Asayish on intelligence gathering operations ⁽⁸⁶⁸⁾.

8.2 Capacity and effectiveness

According to OSAC, command and control over KRI police and military units is sufficient to respond to security, criminal and terrorist incidents; and forces are directed where required and they have sufficient training and modern equipment ⁽⁸⁶⁹⁾. A 2016 FFM report by the Danish Immigration Service (DIS) states that in areas controlled by the KRG, their forces have the potential to provide very effective security. Law enforcement in KRI was described as more effective than in the south/central areas of Iraq, however, other sources commented that there are areas outside of KRI control where there are pockets that lack law enforcement, such as west of KRI. Another source interviewed by DIS stated that the possibility of protection can depend on ‘who the persecutor is’ and those in conflict with politicians would not be protected by authorities ⁽⁸⁷⁰⁾. Human Rights Watch stated to DIS that Kurdish forces have been able to pursue targets in KRI and in KRI-controlled areas with the support of international forces and provide support against ISIL, but also gave the view that there is ‘no effective protection of human rights in KRI’ ⁽⁸⁷¹⁾.

According to OSAC, crime reporting and statistics for KRI are unreliable, though in 2018, crime reportedly increased due to poor economic conditions and much of the crime reported is non-violent ⁽⁸⁷²⁾. DFAT states that KRI experienced lower levels of insecurity than other areas or Iraq, but that IDP increases have strained the ability of the KRI to guarantee safety to those fleeing into the area ⁽⁸⁷³⁾.

⁽⁸⁶¹⁾ Iraq, Kurdistan Region, Kurdistan Regional Security Council – General Security (Asayish), n.d. ([url](#)).

⁽⁸⁶²⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 40.

⁽⁸⁶³⁾ Iraq, Kurdistan Region, Kurdistan Regional Security Council – General Security (Asayish), n.d. ([url](#)).

⁽⁸⁶⁴⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 40.

⁽⁸⁶⁵⁾ Iraq, Kurdistan Region, Kurdistan Regional Security Council – General Security (Asayish), n.d. ([url](#)).

⁽⁸⁶⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), pp. 11-12.

⁽⁸⁶⁷⁾ Stratfor, An Uncertain Future for Iraq’s Intelligence Services, 11 January 2012 ([url](#)).

⁽⁸⁶⁸⁾ Iraq, Kurdistan Region, Kurdistan Regional Security Council – Parastin and Zanyari, n.d. ([url](#)); Stratfor, An Uncertain Future for Iraq’s Intelligence Services, 11 January 2012 ([url](#)).

⁽⁸⁶⁹⁾ OSAC, Iraq 2018 Crime & Safety Report: Erbil, 3 July 2018 ([url](#)).

⁽⁸⁷⁰⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 45.

⁽⁸⁷¹⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 38.

⁽⁸⁷²⁾ OSAC, Iraq 2018 Crime & Safety Report: Erbil, 3 July 2018 ([url](#)).

⁽⁸⁷³⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 10.

Sources told DIS that despite the existence of legislation and institutions to deal with honour violence against women, such crimes still occurred, most commonly in rural areas, and people often turned to traditional justice instead of state mechanisms ⁽⁸⁷⁴⁾. Women have somewhat better legal protections in Kurdistan ⁽⁸⁷⁵⁾ but restrictive societal norms limit women's participation in public life throughout Iraq ⁽⁸⁷⁶⁾. In Kurdistan, there were 9 693 cases of violence against women recorded in 2017, an increase from 7 123 in 2016, though UNAMI cannot determine if this was due to an increase in reporting. There were 658 cases submitted to a 'reconciliation committee', 171 reconciled, 456 not reconciled, and 31 referred to the courts ⁽⁸⁷⁷⁾. In the Kurdistan region, UNAMI reports that between January and October 2017, there were 662 women who entered shelters in KRI, of which 276 remained housed, while 421 left shelters because a 'guardian guaranteed their safety or their problems were considered resolved' ⁽⁸⁷⁸⁾. Shelters in KRI raised concerns about adequate funding from the Ministry of Labour and Social Affairs (MoLSA) and about the fact that shelters in Dohuk and Erbil do not have doctors for their medical units ⁽⁸⁷⁹⁾, and lack basic utilities ⁽⁸⁸⁰⁾. Admission to shelters in KRI requires a judicial order, which is reportedly a deterrent for women to use them, and many hotels in KRI refuse to permit single women to stay alone ⁽⁸⁸¹⁾. The UN stated that there remained 'insufficient legal protection from domestic violence for women and children' in the KRI, despite Act No. 8, and that fear of family shame, risk of reprisals and harassment and abuse from security forces prevented reporting of such violence ⁽⁸⁸²⁾. Similarly, Minority Rights Group International (MRG) stated that implementation has been criticised as 'ineffective and incomplete', while reforms have not been implemented and increased pressure on the state due to the 2014 influx of IDPs has also weakened the government's ability to respond to GBV ⁽⁸⁸³⁾.

For protection of individuals from targeting by armed groups such as ISIL in KRI or Kurdish controlled areas, sources interviewed by DIS stated that authorities have the capacity to protect from conflict, but it can be impacted by the person's profile; some armed groups are aligned with either the KDP and PUK which impacts their willingness to intervene, depending on whether the person belongs to a group the Peshmerga would protect. The UNHCR stated in 2016 that

'in the disputed areas, the possibility to seek protection from the authorities in case of conflict with armed groups depends on whether or not a person belongs to the groups that the Peshmerga would protect. According to UNHCR, groups that are protected by the Peshmerga include Kurds and ethnic or religious minorities. In line with this, an international humanitarian organisation said that private individuals' possibility to seek protection from the Kurdish authorities if they have conflicts with armed groups in KRI and other Kurdish controlled areas depends on who they are. According to the international humanitarian organisation, generally, Sunni Arabs would be unlikely to receive support from the authorities, especially if conflicts are

⁽⁸⁷⁴⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 46.

⁽⁸⁷⁵⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28; Kaya, Z., Gender equality in Iraq and Iraqi Kurdistan, 5 January 2018 ([url](#)).

⁽⁸⁷⁶⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 28

⁽⁸⁷⁷⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 14.

⁽⁸⁷⁸⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5.4.3.

⁽⁸⁷⁹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5.4.3.

⁽⁸⁸⁰⁾ MRG, Broken Lives: Violence against Syrian refugee women and girls in the Kurdistan Region of Iraq, March 2018 ([url](#)), p. 16.

⁽⁸⁸¹⁾ MRG, Broken Lives: Violence against Syrian refugee women and girls in the Kurdistan Region of Iraq, March 2018 ([url](#)), p. 16.

⁽⁸⁸²⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para. 40.

⁽⁸⁸³⁾ MRG, Broken Lives: Violence against Syrian refugee women and girls in the Kurdistan Region of Iraq, March 2018 ([url](#)), p. 16.

with non-Sunni Arabs. The international humanitarian organisation added that if a Sunni Arab has a conflict with Islamic State, there is nothing that the authorities can do' ⁽⁸⁸⁴⁾.

8.3 Integrity

As a result of different political factions, Peshmerga groups' operating procedures are not standard or uniform ⁽⁸⁸⁵⁾ and they frequently do not coordinate with each faction taking orders from their political command ⁽⁸⁸⁶⁾. Sources indicated that the Peshmerga factions are politically divided, with one source stating that they act on instructions from politicians ⁽⁸⁸⁷⁾. In 2018, there were clashes reported locally between Peshmerga and Iraqi Army units in areas of Ninewa where KRG disputes Iraqi government control ⁽⁸⁸⁸⁾. Peshmerga groups are described as 'deeply partisan' and an instrument of political patronage for the PUK and KDP's respective political bureaus ⁽⁸⁸⁹⁾.

Partisanship in the KRG security forces has enabled both KDP and PUK to use armed wings to suppress political dissent ⁽⁸⁹⁰⁾. An atmosphere of mistrust between the main political parties in Kurdistan has been created, with each perceiving their own factions of the security forces as a line of defence against political rivals ⁽⁸⁹¹⁾. The KDP's intelligence service (Parastin) is reportedly more powerful and feared than the PUK service ⁽⁸⁹²⁾.

The population of KRI reportedly 'does not make use of the police or the courts' according to a UNHCR interview in 2016 with DIS ⁽⁸⁹³⁾. The same report notes that IDPs 'generally mistrust' the KRG forces and do not approach police either ⁽⁸⁹⁴⁾. Two sources said to DIS that ordinary citizens in KRI report on each other with accusations of terrorism, for example ⁽⁸⁹⁵⁾.

Abuses

A Western diplomat stated that Arab IDPs generally do not trust the KRG or seek police protection, though the police were trying to improve the situation. He had not heard of 'systematic mistreatment' of IDPs by the police or courts on account of their status or belonging in the north. Human Rights Watch gave the view that Arabs and Kurds were both at 'arbitrary risk of detention and torture' from Asayish. The UNHCR remarked to DIS that 'collective punishment of IDPs upon security incidents is common' and a lawyer stated that 'scapegoating' sometimes occurred ⁽⁸⁹⁶⁾. The UN Special

⁽⁸⁸⁴⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 50.

⁽⁸⁸⁵⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 3.

⁽⁸⁸⁶⁾ Helfont, S., Getting Peshmerga Reform Right, May 2017 ([url](#)), p. 3.

⁽⁸⁸⁷⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 41.

⁽⁸⁸⁸⁾ OSAC, Iraq 2018 Crime & Safety Report: Erbil, 3 July 2018 ([url](#)).

⁽⁸⁸⁹⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 1.

⁽⁸⁹⁰⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 3.

⁽⁸⁹¹⁾ Van Wilgenburg, W. and Fumerton, M., Kurdistan's Political Armies: The Challenge of Unifying the Peshmerga Forces, 16 December 2015 ([url](#)), p. 6.

⁽⁸⁹²⁾ Stratfor, An Uncertain Future for Iraq's Intelligence Services, 11 January 2012 ([url](#)).

⁽⁸⁹³⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 45.

⁽⁸⁹⁴⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 45.

⁽⁸⁹⁵⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 38.

⁽⁸⁹⁶⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 46.

Rapporteur on extra-judicial, summary, and arbitrary executions stated in her June 2018 report that KRI, host to a large IDP population, separated out civilians from combatants at checkpoints and men and boys were under particular scrutiny; they were reported to face arbitrary arrest and ‘in some cases were forcibly disappeared’ and Kurdish forces, Peshmerga, and affiliated Yezidi forces were also alleged to have carried out retaliatory attacks on Sunni Arab civilians during territorial recapture ⁽⁸⁹⁷⁾. There were reports in 2017 of killings and sectarian violence in the KRI and minorities reported targeted threats and attacks in areas outside KRI under KRG control ⁽⁸⁹⁸⁾.

In 2018, Human Rights Watch accused the Peshmerga of detaining suspects and transferring them to Asayish whom they allege carried out mass executions of ‘scores of even hundreds’ of ISIL suspects in their custody between 28 August and 3 September 2017, in Bardiya, Ninewa ⁽⁸⁹⁹⁾. The KRG denied the accusations and stated that a joint military and security investigation committee organised by the Ministry of Peshmerga was investigating the allegations ⁽⁹⁰⁰⁾.

Human Rights Watch accused the Asayish security forces of forcibly disappearing 350 ISIL suspect detained in the city of Kirkuk after federal authorities retook the city in October 2017 ⁽⁹⁰¹⁾. The KRG’s International Reports Committee denied the accusation, stating that they had surrendered themselves to security forces, admitted to being in ISIL, and were later transferred to a camp under federal jurisdiction ⁽⁹⁰²⁾.

A western diplomat interviewed by DIS in 2016 remarked that the Peshmergas are generally well respected by the population, though there have been reports of ‘bad actors’ in the Peshmerga victimising individuals in areas retaken from ISIL or who cross into KRI from ISIL territory ⁽⁹⁰³⁾. Sources told DIS in 2016 that the Peshmerga detained armed opponents and prisoners of war or suspected ISIL militants, who sources said were often ‘young Sunni Arab IDPs’ or ‘male Sunni Arabs’ ⁽⁹⁰⁴⁾.

Sources reported in 2016 that the Peshmerga has been allegedly involved in demolitions of houses in the disputed areas of Kirkuk ⁽⁹⁰⁵⁾. One Human Rights Watch report alleged that there was a pattern of such demolitions by the Peshmerga in Kirkuk and Ninewa between September 2014 and May 2016, sometimes of whole villages destroyed across 17 towns and villages recaptured from ISIL ⁽⁹⁰⁶⁾. An Amnesty International report from 2016 also documented instances of intentional damage to Arab homes across 13 villages recaptured by Peshmergas in October 2014-November 2015 ⁽⁹⁰⁷⁾. The Ninewa provincial council refuted the allegations as baseless ⁽⁹⁰⁸⁾. KRG stated such acts are reportedly for ‘security reasons’ but UNHCR commented it was for political claims to the disputed areas ⁽⁹⁰⁹⁾.

⁽⁸⁹⁷⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 36.

⁽⁸⁹⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 4.

⁽⁸⁹⁹⁾ HRW, Kurdistan Regional Government: Allegations of Mass Executions, 8 February 2018 ([url](#)).

⁽⁹⁰⁰⁾ Iraq, Kurdistan Region, Clarification on Human Rights Watch (HRW) Report, 4 March 2018 ([url](#)), p. 3.

⁽⁹⁰¹⁾ HRW, Kurdistan Region of Iraq: 350 Prisoners ‘Disappeared’, 21 December 2017 ([url](#)).

⁽⁹⁰²⁾ Iraq, Kurdistan Region, International Reports Committee: Statement on Human Rights Watch Report, 11 January 2018 ([url](#)).

⁽⁹⁰³⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), pp. 36-37.

⁽⁹⁰⁴⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 39.

⁽⁹⁰⁵⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 30.

⁽⁹⁰⁶⁾ HRW, Marked with an “X”: Iraqi Kurdish Forces’ Destruction of Villages, 13 November 2016 ([url](#)).

⁽⁹⁰⁷⁾ Al, Banished and Dispossessed, 20 July 2016 ([url](#)), pp. 5-6.

⁽⁹⁰⁸⁾ Kurdistan24, ‘Amnesty should apologize to Peshmerga, Kurdistan’, 24 January 2016 ([url](#)).

⁽⁹⁰⁹⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 30.

There were reports that PMU and KRG forces reportedly detained children accused of terrorism, and abused and beat them ⁽⁹¹⁰⁾. HRW reported in 2017 that more than 150 boys were detained on such charges, held for weeks and months in detention, and were subjected to mistreatment ⁽⁹¹¹⁾.

In 2018, Human Rights Watch released a report on 78 cases of enforced disappearances in 2014-2017 which alleges the involvement of Asayish forces in several cases at checkpoints in Ninewa and the disputed territories ⁽⁹¹²⁾.

As of November 2018, DIS remarked that Kurdish security forces are ‘no longer in the disputed areas or the rest of Iraq’ ⁽⁹¹³⁾.

‘Abusive interrogations’ reportedly occurred in Asayish and intelligence services (Parastin and Zanyari) facilities ⁽⁹¹⁴⁾.

Despite legal protections under the ‘press law’ No 35. Of 2007, which prohibits imprisonment, harassment, or physical abuse of reporters, journalists state that it is used arbitrarily by the ‘ruling elite to stifle dissent’ ⁽⁹¹⁵⁾ and security forces harassed news outlets critical of the KRG leadership ⁽⁹¹⁶⁾. DIS reported in 2016 that Kurdish authorities have detained political opponents and have shot at and beaten political demonstrators and journalists ⁽⁹¹⁷⁾. In November 2018, DIS reported that sources noted the violent suppression of demonstrations in KRG by armed political party members and the Asayish and the killing of four journalists ⁽⁹¹⁸⁾.

8.4 Judiciary

8.4.1 Structure and capacity

According to a report on the security institutions of the KRG published in 2009, ‘the judiciary in the Kurdistan Region consists of primary courts (courts of original jurisdiction), secondary courts (courts of appellate jurisdiction), the Court of Cassation (court of last resort), and the Kurdistan High Judicial Council which oversees the Judiciary. Each governorate has its own Appellate Court and array of primary courts’ ⁽⁹¹⁹⁾. KRG has numerous types of courts for felony (major crimes), misdemeanours (minor crimes), which apply the Iraqi Penal Code, as well as investigative courts for crime, personal status courts that deal with family law related to Muslims, civil status courts, which apply to non-Muslims, Courts of First Instance for civil matters not related to personal status, and labour courts. Courts of appeal exist in all governorates. The Court of Cassation of the Kurdistan region is the final court of last resort, having chambers for different jurisdictions ⁽⁹²⁰⁾.

For criminal cases, like in the rest of Iraq, KRI operates an inquisitorial model with an active role in conducting the trial and interviewing witnesses. Criminal investigations begin with a police or Asayish

⁽⁹¹⁰⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 6.

⁽⁹¹¹⁾ HRW, Why Children Are Stuck in Prison in Erbil Without Trial, 27 March 2017 ([url](#)).

⁽⁹¹²⁾ HRW, “Life Without a Father is Meaningless” Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017, 27 September 2018 ([url](#)).

⁽⁹¹³⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 24.

⁽⁹¹⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 6.

⁽⁹¹⁵⁾ CPJ, Mountain of impunity looms over Kurdistan journalists, 22 April 2014 ([url](#)).

⁽⁹¹⁶⁾ Bertelsmann Stiftung, BTI 2018 Country Report – Iraq, 2018 ([url](#)); Freedom House, Freedom in the World 2018 – Iraq, ([url](#));

⁽⁹¹⁷⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), pp. 39-40

⁽⁹¹⁸⁾ Denmark, DIS, Northern Iraq – Security Situation and the Situation for Internally Displaced Persons (IDPs) in the Disputed Areas, Including the Possibility to Enter and Access the Kurdistan Region of Iraq (KRI), November 2018 ([url](#)), p. 25.

⁽⁹¹⁹⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 209.

⁽⁹²⁰⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 210.

response, who investigate and may refer the case to an investigative judge, who may continue to investigate, completes the inquiry and may issue a charge and refer the case to Felony or Misdemeanour courts ⁽⁹²¹⁾.

8.4.2 Effectiveness

According to Lifos, the legal system ‘works better in the KRI’ than in the other parts of Iraq, as judges are not under threat ⁽⁹²²⁾. Transparency International also writes that corruption in KRI is lower than in Iraq, but still relatively high for the region and few are convicted for corruption ⁽⁹²³⁾.

The KRI reported that there were 5,898 people in detention as of December 2017, with 2 652 people arrested on ISIL-related charges, 1 110 found guilty of terrorism, and 870 released ⁽⁹²⁴⁾.

8.4.3 Integrity

In the Kurdistan region, the Kurdistan Judicial Council is independent of the KRG Ministry of Justice, however the executive branch reportedly ‘influenced politically influenced sensitive cases’ ⁽⁹²⁵⁾. Judges are frequently appointed based on partisanship rather than merit or independence ⁽⁹²⁶⁾.

Despite the existence of numerous laws with provisions related to human rights and positive developments toward the promotion of the rule of law in KRI, ‘laws are not often supported by implementation mechanisms, and economic conditions have severely restricted the availability of resources for implementation’ ⁽⁹²⁷⁾. Sources interviewed by DIS stated that the Kurdish court system was politically influenced and not responsive despite the availability of Kurdish laws that meet international standards ⁽⁹²⁸⁾. According to the UN, there is an ‘overall mistrust in the criminal justice system’ in Kurdistan with respect to the lack of effective investigations and atmosphere of impunity, particularly regarding attacks on media professionals ⁽⁹²⁹⁾. A 2015 field research paper on the impact of corruption on returnees to Kurdistan noted that several interviewees perceived governing elites to be above the law, and that the legal system was weak, politicised, and dependent on one’s connections ⁽⁹³⁰⁾. The UNHCR made a similar observation to the DIS in 2016 that ‘access to the rule of law [in KRI] is dependent on ethnic and religious affiliation, tribe, connections, family and relatives, and it is very difficult, if not impossible, for an individual to stand up for his rights by himself’ ⁽⁹³¹⁾.

In Kurdistan region, UNAMI reported that it remained concerned about lengthy delays in bringing detainees before judges, denial of access to counsel and prolonged periods of detention without trial. The justice system in KRI also largely relies on confessional evidence ⁽⁹³²⁾. Detainees made allegations of torture and harm for extraction of confessions and feared reporting it due to retribution in proceedings ⁽⁹³³⁾. USDOS states that in general, the KRG allowed access to prisoners and pre-trial detainees for monitoring, but delayed access to some cases, usually for terrorism. UN and ICRC were

⁽⁹²¹⁾ Chapman, D., Security Forces of the Kurdistan Regional Government, 26 February 2009 ([url](#)), p. 212.

⁽⁹²²⁾ Sweden, Lifos, 8 May 2014, Iraq: Rule of Law in the Security and Legal System ([url](#)), p.13.

⁽⁹²³⁾ TI, Kurdistan Region of Iraq: Overview of corruption and anti-corruption, 24 March 2015 ([url](#)), p. 1.

⁽⁹²⁴⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.7.2

⁽⁹²⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 16.

⁽⁹²⁶⁾ Carnegie MEC, Kurdistan’s Politicized Society Confronts a Sultanistic System, 18 August 2015 ([url](#)).

⁽⁹²⁷⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), p. 7.

⁽⁹²⁸⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 45.

⁽⁹²⁹⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), para. 39.

⁽⁹³⁰⁾ Paasche, E., PRIO, The role of corruption in reintegration: experiences of Iraqi Kurds upon return from Europe, Journal of Ethnic and Migration Studies, Vol. 42, No. 7 ([url](#)), p. 1084

⁽⁹³¹⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 45.

⁽⁹³²⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.7.2

⁽⁹³³⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 4.7.2

able to monitor detention facilities, but the Human Rights Commission of Kurdistan had difficulty accessing Asayish facilities ⁽⁹³⁴⁾.

Defence lawyers and prosecutors reportedly experienced ‘unnecessary administrative delays’ in carrying out their work ⁽⁹³⁵⁾.

8.5 Oversight mechanisms and complaints

8.5.1 Commission of Integrity

The Kurdish Parliament created the Kurdistan Region Commission of Integrity in 2011 under Col Law 3/2011, and the Chairman reportedly has greater independence and impartiality than the Federal body though it is not mentioned that the Col is independent ⁽⁹³⁶⁾. The Col has functions including receiving complaints, investigating and referring corruption cases to competent courts ⁽⁹³⁷⁾. According to Dr. Chatelard, who reviewed this report, KRG oversight bodies and accountability mechanisms are subjected to political pressures and are not more effective at fighting corruption than those operating at the federal level ⁽⁹³⁸⁾. KRG faces similar problems to the rest of Iraq regarding fighting corruption due to the strong role of main political parties and nepotism with a fraction of cases of corruption ending up in court ⁽⁹³⁹⁾.

The Commission accepts complaints by email and phone ⁽⁹⁴⁰⁾.

Media reported that in 2017 ‘39 verdicts were reached out of 123 corruption cases’ and that two men were convicted and sentenced to seven years in prison for embezzlement and fined USD 1.67 million ⁽⁹⁴¹⁾. The Commission of Integrity told media that it had received more than 100 case referrals in 2018 and that 59 had been ‘sent to court’ ⁽⁹⁴²⁾.

8.5.2 High Committee to Evaluate and Respond to International Reports

Kurdistan’s High Committee to Evaluate and Respond to International Reports is responsible for following up in response to allegations made about human rights violations ⁽⁹⁴³⁾. The body reviewed reports of abuses by Peshmerga and made public reports and commentaries to exculpate them ⁽⁹⁴⁴⁾.

8.5.3 Independent Commission for Human Rights of the Kurdistan Region

The Human Rights Commission of Kurdistan issued periodic reports and stated that KRG police and security forces were ‘receptive to human rights training and responsive to rights violations’ ⁽⁹⁴⁵⁾. In its 2017 report, the Australian DFAT states that although progress has been made in the creation of the Kurdish Human Rights Commission, ‘there is a lack of legal or practical mechanisms to implement a

⁽⁹³⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 9.

⁽⁹³⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 16.

⁽⁹³⁶⁾ UNDP Iraq, Workshop on the Law to Establish a Commission of Integrity in the Kurdistan Region, 29-31 January 2013 ([url](#)), p. 4.

⁽⁹³⁷⁾ UNDP, Analytical Study: The Law of the Public Authority of Integrity (Kurdistan Region–Iraq) No. (3) Of 2011, ([url](#)), pp. 14-18.

⁽⁹³⁸⁾ Chatelard, G. Comment made during the review of this report, 30 October 2018.

⁽⁹³⁹⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)); TI, Kurdistan Region of Iraq: Overview of Corruption and Anti-Corruption, 24 March 2015 ([url](#)).

⁽⁹⁴⁰⁾ Iraq, Kurdistan Region, Commission of Integrity in Kurdistan Region – Hotline, n.d. ([url](#)).

⁽⁹⁴¹⁾ Kurdistan24, Kurdistan’s Integrity Commission fines two with over 1.67M over corruption, fraud, 29 May 2018 ([url](#)).

⁽⁹⁴²⁾ Kurdistan24, Kurdistan Integrity Commission: 125 corruption cases so far in 2018, 31 July 2018 ([url](#)).

⁽⁹⁴³⁾ Iraq, Kurdistan Region, KRG Response to HRW Findings and Questions on the Treatment of Child Terrorism Suspects, 10 January 2017 ([url](#)).

⁽⁹⁴⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 1; Iraq, Kurdistan Region, Clarification on Human Rights Watch (HRW) Report, 4 March 2018 ([url](#)); Iraq, Kurdistan Region, International Reports Committee: Statement on Human Rights Watch Report, 11 January 2018 ([url](#)).

⁽⁹⁴⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 39.

functioning framework for the protection of human rights’⁽⁹⁴⁶⁾. The KRI Commission regularly informed the Kurdistan Mol about credible reports of police violations of human rights⁽⁹⁴⁷⁾.

In 2017, the deputy head of the Dohuk human rights office was convicted for interfering in a police investigation; his 6-month sentence was suspended⁽⁹⁴⁸⁾.

8.5.4 Oversight and investigations into abuses by KRG forces

Renad Mansour noted that the Peshmerga is overseen by the Ministry of Peshmerga Affairs, the National Security Council and down through to the ‘polit bureaus’ of the main parties⁽⁹⁴⁹⁾. DIS was told by several sources that the Asayish is directly linked to the President of the KRG, and one NGO source stated that it is the only institution in KRI that is not monitored, noting that even Parliament lacks information on their working methods⁽⁹⁵⁰⁾.

The KRG reportedly had no uniform policy for dealing with allegations of abuse and mistreatment in detention by the KRG’s Ministry of Interior or the Asayish⁽⁹⁵¹⁾. The KRG stated in a letter to Human Rights Watch that all forms of torture are prohibited and there are investigation committees in the Mol to examine allegations of mistreatment by prisoners. KRG explained that the Asayish will collect statements and evidence of the mistreatment, and then send an independent investigative representative of the judge to investigate, with the Asayish⁽⁹⁵²⁾. The Kurdish Human Rights Commission had difficulty accessing Asayish facilities for monitoring purposes⁽⁹⁵³⁾.

According to the USDOS, credible steps were taken by the KRG to address allegations of mistreatment within central facilities, though the impacts were unknown. The Higher Judicial Council stated that abuse allegations were handled promptly⁽⁹⁵⁴⁾. However, UNHCR commented to DIS in 2016 that there has been no prosecution of members of the Asayish or the Peshmerga for violations of human rights by these forces⁽⁹⁵⁵⁾. In 2017, 5 KRG Mol officials were sentenced to 3-5 years in prison for abuses in their facilities⁽⁹⁵⁶⁾.

Compensation by the government was available under the law for those subjected to unlawful arrest and detention⁽⁹⁵⁷⁾, or those who experienced forced confessions of torture⁽⁹⁵⁸⁾. The KRG reported that 5 000 cases had been approved for compensation in the form of land, salaries, or college tuition; however, payment could not be made due to budget constraints. The KRG reported that 13 000 cases were pending⁽⁹⁵⁹⁾.

⁽⁹⁴⁶⁾ Australia, DFAT, Country Information Report – Iraq, 26 June 2017 [available on request], p. 8.

⁽⁹⁴⁷⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 12.

⁽⁹⁴⁸⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 39.

⁽⁹⁴⁹⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), pp. 41-42.

⁽⁹⁵⁰⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 42.

⁽⁹⁵¹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

⁽⁹⁵²⁾ Iraq, Kurdistan Region, KRG Response to HRW Findings and Questions on the Treatment of Child Terrorism Suspects, 10 January 2017 ([url](#)),

⁽⁹⁵³⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

⁽⁹⁵⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

⁽⁹⁵⁵⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 39.

⁽⁹⁵⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 8.

⁽⁹⁵⁷⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 17.

⁽⁹⁵⁸⁾ Iraq, Kurdistan Region, KRG Response to HRW Findings and Questions on the Treatment of Child Terrorism Suspects, 10 January 2017 ([url](#)) p. 5.

⁽⁹⁵⁹⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 17.

9. Specific groups

9.1 Women and children

Violence against women in Iraq is a serious ⁽⁹⁶⁰⁾ and common problem that remains ‘undercover’ ⁽⁹⁶¹⁾. In Iraq, on average, one in five women (21.2%) is subjected to physical violence ⁽⁹⁶²⁾. According to the Mol, cases of domestic violence increased steadily between 2010-2016 ⁽⁹⁶³⁾. Several hundred women and girls are killed every year in honour crimes in Iraq and such crimes are underreported to the authorities ⁽⁹⁶⁴⁾.

Women face particular difficulties accessing justice due to the discriminatory attitudes of police and government officials towards women, and a lack of awareness of their rights ⁽⁹⁶⁵⁾. Women face broad discriminatory treatment in society and under the law ⁽⁹⁶⁶⁾; marriage and divorce law tend to favour men ⁽⁹⁶⁷⁾. The Iraqi Penal Code treats gender-based and sexual violence in a discriminatory manner ⁽⁹⁶⁸⁾. Iraq lacks comprehensive legislation to protect and punish violence against women; it allows for honour as a mitigating circumstance, and although it criminalises sexual assault, it also allows charges to be dropped if sexual assault perpetrators marry the victims ⁽⁹⁶⁹⁾. The Iraqi Penal Code of 1969 states, under Article 409, ‘[a]ny person who surprises his wife in the act of adultery or finds his girlfriend in bed with her lover and kills them immediately or one of them or assaults one of them so that he or she dies or is left permanently disabled is punishable by a period of detention not exceeding 3 years. It is not permissible to exercise the right of legal defense against any person who uses this excuse nor do the rules of aggravating circumstance apply against him’ ⁽⁹⁷⁰⁾.

UNAMI writes that due to the ‘honour’ mitigation, fighting crime against women and children ‘remains problematic’ ⁽⁹⁷¹⁾. The Global Justice Center (GJC) ⁽⁹⁷²⁾ provides a legal analysis that found that gaps and gender inequalities in the domestic Iraqi legal framework also prevent women and girls victimised by ISIL to obtain ‘meaningful justice’ ⁽⁹⁷³⁾. The UN writes that the existing legal and policy frameworks in Iraq for criminal justice ‘largely fail’ to protect women and children who have been subjected to

⁽⁹⁶⁰⁾ HRW, Domestic Violence in Iraq: Commentary on the Draft Anti-Domestic Violence Law in Iraq, March 2017 ([url](#)), p.1.

⁽⁹⁶¹⁾ PAX, Interview: Amal’s fight against sexual and gender-based violence in Iraq, 8 December 2017 ([url](#)).

⁽⁹⁶²⁾ Iraq and WHO, Iraq Family Health Survey Report 2006/7, 2008 ([url](#)), p. 25

⁽⁹⁶³⁾ AW, Domestic violence in Iraq on the rise in the absence of protective laws, 16 July 2017 ([url](#)).

⁽⁹⁶⁴⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 40.

⁽⁹⁶⁵⁾ KAS, Women’s Access to Justice in Iraq, 27 November 2016 ([url](#)).

⁽⁹⁶⁶⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 20; Freedom House, Freedom in the World 2018 – Iraq, ([url](#)).

⁽⁹⁶⁷⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)).

⁽⁹⁶⁸⁾ GJC, Iraq’s Criminal Laws Preclude Justice for Women and Girls, March 2018 ([url](#)), pp. 3-8.

⁽⁹⁶⁹⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 25; UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 40-44; UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5; HRW, World Report 2018 – Iraq, 9 January 2018 ([url](#)).

⁽⁹⁷⁰⁾ Iraq, Penal Code No. 111 of 1969 [unofficial translation], July 1969, available at: ([url](#)).

⁽⁹⁷¹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 5.1.

⁽⁹⁷²⁾ GJC is a non-profit human rights organisation that develops legal strategies to protect and ‘seek justice for victims of conflict, discrimination, torture, and abuse’: GJC, Our Work, n.d. ([url](#)).

⁽⁹⁷³⁾ GJC, Iraq’s Criminal Laws Preclude Justice for Women and Girls, March 2018 ([url](#)), pp. 3-8.

sexual violence ⁽⁹⁷⁴⁾. Due to a reliance on traditional non-state justice mechanisms in areas of Iraq that are less developed, ‘justice systems can lead to poor outcomes for women’ ⁽⁹⁷⁵⁾.

Domestic violence and honour killings are rarely punished and spousal rape is not criminalised ⁽⁹⁷⁶⁾. ISIL subjected women and girls and men and boys, to a range of conflict-related sexual violence including rape, sexual slavery, violence and trafficking, which impacted women and girls in particular ⁽⁹⁷⁷⁾. The state reportedly failed to act with due diligence in providing prevention, investigation, sanctions and reparations to affected women and girls victimised by conflict-related sexual violence ⁽⁹⁷⁸⁾. Shelters in Iraq were significantly lacking and were run by volunteers ⁽⁹⁷⁹⁾.

Unlike the rest of Iraq, in KRI, domestic violence is criminalised ⁽⁹⁸⁰⁾. The Kurdistan Region has domestic violence legislation under the Kurdistan Region Act (Act No. 8) of 2011 on domestic violence ⁽⁹⁸¹⁾. KRI also has several government bodies and a High Council for Women’s Affairs that promote women’s rights ⁽⁹⁸²⁾. The KRI Ministry of Interior’s General Directorate to Combat Violence Against Women, which has directorates in each governorate and receives complaints, collects data, and runs hotlines ⁽⁹⁸³⁾. KRI has three domestic violence shelters, including one for trafficking victims ⁽⁹⁸⁴⁾. It has a number of government entities that ‘have competence to promote the respect and protection of women’s rights and to address the needs of women’ abused by ISIL ⁽⁹⁸⁵⁾. FGM is prohibited in Kurdistan but not the rest of Iraq ⁽⁹⁸⁶⁾. The UN stated that ‘insufficient measures’ were in place to combat the practice despite its prohibition in KRI ⁽⁹⁸⁷⁾.

The UN 2015 concluding observations on the rights of the child in Iraq reported the conflict with ISIL and armed groups, sectarian divisions, extremism and instability led to ‘severe violations of children’s rights’, including for example, targeted killings, abductions and mass executions of minorities and boys ⁽⁹⁸⁸⁾. Iraq has also been unable to sufficiently integrate the rights of the child into domestic legislation,

⁽⁹⁷⁴⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), p. 10.

⁽⁹⁷⁵⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)),

⁽⁹⁷⁶⁾ Freedom House, Freedom in the World 2018 – Iraq, ([url](#)),

⁽⁹⁷⁷⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), p. 1.

⁽⁹⁷⁸⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 40-44.

⁽⁹⁷⁹⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), paras. 40-44.

⁽⁹⁸⁰⁾ MRG, Broken Lives: Violence against Syrian refugee women and girls in the Kurdistan Region of Iraq, March 2018, ([url](#)), p. 16.

⁽⁹⁸¹⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 25; EU, EASO, EASO COI Meeting Report – Iraq: Practical Cooperation Meeting 25-26 April 2017 (Source: Mark Lattimer), July 2017 ([url](#)), p. 21; Iraq (Kurdistan), Act of Combatting Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011),

⁽⁹⁸²⁾ KRG, The By-Law of High Committee of Combating Violence Against Women and Family in Kurdistan Region Governorates of Iraq, 2014 ([url](#)); MRG, Broken Lives: Violence against Syrian refugee women and girls in the Kurdistan Region of Iraq, March 2018, ([url](#)), p. 16.

⁽⁹⁸³⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 25; EU, EASO, EASO COI Meeting Report – Iraq: Practical Cooperation Meeting 25-26 April 2017 (Source: Mark Lattimer), July 2017 ([url](#)), p. 21; Iraq (Kurdistan), Act of Combatting Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011),

⁽⁹⁸⁴⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)),

⁽⁹⁸⁵⁾ UNAMI/OHCHR, Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, 22 August 2017 ([url](#)), pp. 6-7.

⁽⁹⁸⁶⁾ UN Human Rights Committee, ICCPR Concluding observations on the fifth periodic report of Iraq (CCPR/C/IRQ/CO/5), 3 December 2015 ([url](#)), para. 15.

⁽⁹⁸⁷⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para. 46.

⁽⁹⁸⁸⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para 6.

and public officials lacked necessary training on the issue ⁽⁹⁸⁹⁾. Iraq did create a national inter-ministerial committee on children in armed conflict, including child soldiering; however, it did not punish militias, including PMUs for allegedly using child soldiers ⁽⁹⁹⁰⁾.

In the administration of justice, the Juvenile Welfare Act allowed for alternatives to detention, however, they were not frequently used. Children were reportedly subjected to torture and cruel punishment by police in detention and there were reports of children being held in pre-trial detention for long periods ⁽⁹⁹¹⁾. Children in detention were subjected to poor conditions, overcrowding, physical and sexual abuse ⁽⁹⁹²⁾.

Legal protections for children and women against domestic violence in Iraq and KRI were described as ‘insufficient’ by the UN, violence in the family was underreported due to fear of shame, family/community reprisals, or harassment and abuse from police and security forces ⁽⁹⁹³⁾. Sexual enslavement of children by ISIL and sexual exploitation and abuse of children were reportedly prevalent according to the UN’s 2015 report ⁽⁹⁹⁴⁾. Iraq failed to prosecute or convict officials involved in sex trafficking and child soldiering and victims remained vulnerable to arrest, imprisonment or prosecution ⁽⁹⁹⁵⁾. The MoI prosecuted 68 people on trafficking charges in 2017 and convicted 22, but provided no further details ⁽⁹⁹⁶⁾.

9.2 Ethno-religious minorities

Australia’s DFAT gave the assessment that Iraq has strong constitutional and legislative guarantees to protect ethnic minority groups, who also participate in political and public life and have language rights, but that the state’s legal guarantees were ‘rarely and unevenly enforced’ and that minorities face ‘widespread societal discrimination’ ⁽⁹⁹⁷⁾. The USCIRF states that the government of Iraq engages in or tolerates religious freedom violations that are ‘systematic, ongoing, egregious’ ⁽⁹⁹⁸⁾. Minority Rights Group International (MRG) states that since 2014 ISIL has committed serious human rights abuses against Iraq’s minorities, who have been particularly targeted in the conflict, including Yezidis, Christians, Bahai, Kakai, Sabeen Mandeans, and Turkmen ⁽⁹⁹⁹⁾.

Sunnis do not trust the majority Shia government to ‘protect its community’ and religious minorities are ‘skeptical of the Iraqi government’s willingness and capability to protect them’ from both Shia and Sunni armed groups, including against ISIL and the PMUs ⁽¹⁰⁰⁰⁾. The UN noted that attacks on minority groups occurred with impunity and that the state enforcement authorities were reluctant to hold perpetrators to account, causing a lack of confidence in officials ⁽¹⁰⁰¹⁾.

⁽⁹⁸⁹⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para 21.

⁽⁹⁹⁰⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)), pp. 231.

⁽⁹⁹¹⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), paras. 36 and 86.

⁽⁹⁹²⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), paras. 36 and 86.

⁽⁹⁹³⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), para. 40.

⁽⁹⁹⁴⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), paras. 42-44.

⁽⁹⁹⁵⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)), p. 232.

⁽⁹⁹⁶⁾ USDOS, Trafficking in Persons Report 2017 – Iraq, 28 June 2018 ([url](#)), p. 232.

⁽⁹⁹⁷⁾ Australia, DFAT, Country Information Report – Iraq [updated 9 October 2018], 9 October 2018 ([url](#)), p. 10.

⁽⁹⁹⁸⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽⁹⁹⁹⁾ MRG, Iraq, May 2018 ([url](#)).

⁽¹⁰⁰⁰⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽¹⁰⁰¹⁾ UN Committee on the Rights of the Child, Concluding observations on the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/CO/2-4), 3 March 2015 ([url](#)), paras. 78.

Sources interviewed by the DIS in 2016 stated that the KRG makes efforts to prevent ethnic disputes and discrimination in its territory and to show that it protects minorities. Human Rights Watch stated that the ‘level of harassment is very low and the government is good at controlling it’. However, the UNHCR stated in the same report that the possibility to seek protection in KRI against ethnic/religious harassment ‘depends on the connections of the person in question’. Renad Mansour stated that Kurds would likely be protected by Kurdish forces ahead of other minorities, while a civil society source indicated that in private conflicts, ethnicity would not impact protection offered ⁽¹⁰⁰²⁾.

KRI is home to a numerous ethno-religious minority groups and has seen a large influx of IDPs and Sunni Arabs from neighbouring governorates fleeing into the territory seeking safety ⁽¹⁰⁰³⁾. According to a Kurdish NGO, since 2014, 360 000 Yazidi people fled into KRG controlled territory seeking safety from ISIL ⁽¹⁰⁰⁴⁾. The Kurdish government’s Office of Yazidi Rescues reported rescuing thousands of women, men and children from ISIL kidnappers; while 3 319 Yazidis are still missing ⁽¹⁰⁰⁵⁾. The KRG also paid ransom to IS to secure the release and safe passage over 3 000 Yazidis into KRI in May 2017 ⁽¹⁰⁰⁶⁾. Many thousands of Yazidis were taken by ISIL as sexual slaves remain in captivity ⁽¹⁰⁰⁷⁾.

9.3 People with disabilities

The Government of Iraq has ratified the UN Convention on the Rights of Persons with Disabilities and has adopted the Law No. 38 on the Care of Persons with Disabilities and Special Needs, including the establishment of a Commission for the promotion of respect and protection of the rights of people living with disabilities. According to UNAMI, however, the state has not implemented appropriate measures to guarantee the protection of such rights, or to address discrimination and other barriers to well-being ⁽¹⁰⁰⁸⁾. People with disabilities face broad societal discrimination ⁽¹⁰⁰⁹⁾ and are among the ‘most vulnerable’ communities and often neglected in public discourse, according to the UN ⁽¹⁰¹⁰⁾.

9.4 LGBT minorities

According to the International Gay Lesbian and Intersex Association (ILGA), the Iraqi Penal Code of 1969 does not explicitly prohibit same-sex relations ⁽¹⁰¹¹⁾. OurRight Action International ⁽¹⁰¹²⁾ collected dozens of unverified reports by the Islamic State in 2014-2016 wherein they reported on their *Sharia*-imposed executions of people accused of sodomy or morality crimes, in particular, men accused of sodomy who were thrown from buildings ⁽¹⁰¹³⁾. ILGA states that both police and militias forces were reported to kidnap, threaten, and kill LGBT people ‘frequently’ ⁽¹⁰¹⁴⁾. The UN Special Rapporteur on extrajudicial executions reported that she received information on her 2018 mission that men and boys were subjected to, ‘on the basis of their actual or perceived sexual orientation or gender’,

⁽¹⁰⁰²⁾ Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016 ([url](#)), p. 51.

⁽¹⁰⁰³⁾ UNAMI, Report on Human Rights in Iraq: January to June 2017, 14 December 2017 ([url](#)), p. 16.

⁽¹⁰⁰⁴⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 19.

⁽¹⁰⁰⁵⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 19.

⁽¹⁰⁰⁶⁾ USDOS, Country Reports on Human Rights Practices for 2017 – Iraq, 20 April 2018 ([url](#)), p. 19.

⁽¹⁰⁰⁷⁾ US, USCIRF, Annual Report 2018 – Iraq, April 2018 ([url](#)).

⁽¹⁰⁰⁸⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 7.

⁽¹⁰⁰⁹⁾ UNAMI, Report on Human Rights in Iraq – July to December 2017, 8 July 2018 ([url](#)), para. 45.

⁽¹⁰¹⁰⁾ UN Human Rights Council, Technical assistance provided to assist in the promotion and protection of human rights in Iraq (A/HRC/30/66), 27 July 2015 ([url](#)), para. 53.

⁽¹⁰¹¹⁾ ILGA, State-Sponsored Homophobia 2017 – Iraq, May 2017 ([url](#)), pp. 128-129.

⁽¹⁰¹²⁾ OutRight Action International is a US-based non-profit organisation advocating for human rights concerns for LGBTIQ people and holding consultative status with the UN. OutRight Action International, About Us, n.d. ([url](#)).

⁽¹⁰¹³⁾ OutRight Action International, Timeline of Publicized Executions for “Indecent Behavior” by IS Militias, 2 April 2016 ([url](#)).

⁽¹⁰¹⁴⁾ ILGA, State-Sponsored Homophobia 2017 – Iraq, May 2017 ([url](#)), pp. 128-129.

threats, assault and killings, and to incitement of hatred from the media, as was the situation for LGBT activists and organisations incitement to hatred from the media, as well as threats, assault and killings, as were LGBT activists and organisations ⁽¹⁰¹⁵⁾. In 2017, an LGBT model and actor, Mr. Karar Nusbi, was killed in Baghdad ⁽¹⁰¹⁶⁾. In response, the Government that is would establish a Committee committed to the issue though the UN stated that it was unclear whether any results were forthcoming ⁽¹⁰¹⁷⁾.

⁽¹⁰¹⁵⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), p. 11.

⁽¹⁰¹⁶⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), p. 11.

⁽¹⁰¹⁷⁾ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 14 to 23 November 2017 (A/HRC/38/44/Add.1), 5 June 2018 ([url](#)), p.11.

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Terms of Reference

COI on state actors of protection should aim to consider the following topics:

- ☐ Main institutions of the state law enforcement system and the main institutions of the prosecution and judicial system, covering
 - ☐ Structure / mandate / geographical reach
 - ☐ Effectiveness
 - ☐ Accessibility
 - ☐ Integrity
- ☐ Are there main human rights bodies, complaint mechanisms or oversight bodies that a person can make a complaint to? Are they effective?
- ☐ Are there any other parties or organisations controlling significant part of the territory?
 - ☐ Do they ensure effective law enforcement?
 - ☐ Do they ensure effective prosecution and adjudication?

The report should aim to consider the main actors of protection under the federal/central government of Iraq and in the Kurdish Region of Iraq.



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