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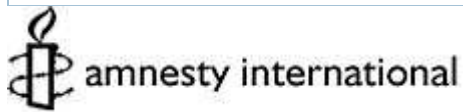
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Amnesty International Report 2016/17 - The State of the World's Human Rights - Iraq

Government forces, paramilitary militias and the armed group Islamic State (IS) committed war crimes, other violations of international humanitarian law and gross human rights abuses in the internal armed conflict. IS fighters carried out execution-style killings targeting opponents and civilians fleeing IS-held territory, raped and otherwise tortured captives, used civilians as human shields and used child soldiers. Militias extrajudicially executed, forcibly disappeared and tortured civilians fleeing conflict, and destroyed homes and other civilian property. Thousands remained detained without trial on suspicion of links to IS. Torture in detention remained rife. Courts sentenced terrorism suspects to death, frequently after unfair trials. Executions continued at a high rate.

Background

Armed conflict continued between IS and an array of Iraqi government forces, paramilitary militias and Peshmerga (Kurdish armed forces), supported by US-led international coalition air strikes. IS held areas of northwestern and western Iraq, but lost significant territory during the year, including Falluja in June, al-Qayyara in August and Sharqat in September. Military operations to recapture Mosul, the largest remaining IS stronghold, were continuing at the end of the year.

The armed conflict, car bombings and other violence led to 6,878 fatalities and 12,388 injuries among civilians during the year, according to the UN.

Prime Minister al-Abadi issued Order 91 in February and Parliament passed a law in November designating the Popular Mobilization Units (PMU), established in June 2014 and comprising mostly Shi'a paramilitary militias, as a "military formation and part of the Iraqi armed forces".

In August, Parliament passed the General Amnesty Law. It did not cover certain types of crimes, such as terrorist acts that resulted in death or permanent injury; but it provided a right of judicial review for those convicted under the Anti-Terrorism Law and other laws in cases where court verdicts were based on "confessions" extracted under "duress".

Anti-government protesters calling for institutional reform and an end to corruption twice breached the heavily fortified Green Zone, where the government is based, in the capital Baghdad. On the second occasion, 20 May, government forces fired tear gas, rubber bullets and stun grenades to disperse protesters, leading to four deaths. The authorities announced an investigation but disclosed no information about its outcome or any prosecutions. A proposed law restricting the right to freedom of peaceful assembly was tabled for discussion by Parliament in July, but withdrawn following a public outcry.

The remaining Iranian political exiles, who were residents of Camp Liberty in Baghdad, were resettled outside Iraq by late September. On 4 July, the camp had come under rocket attack leading to injuries and material damage.

Armed conflict – violations by militias and government forces

Paramilitary militias and government forces committed war crimes and other violations of international humanitarian law and human rights law, mostly against members of the Sunni Arab community. They carried out extrajudicial executions, other unlawful killings and torture, forcibly disappeared hundreds of men and boys, and deliberately destroyed homes and property.

Following a suicide bombing that killed 27 men and injured 41 others in Muqdadia on 11 January, militias carried out revenge attacks against the Sunni community, abducting and killing dozens of men and burning and destroying Sunni mosques, shops and other property.

On 3 June, PMU militias abducted an estimated 1,300 men and boys fleeing Saqlawiya, north of Falluja. Three days later, 605 men reappeared bearing marks of torture, while the fate of 643 remained unknown. An investigative committee established by the Governor of Anbar found that 49 had been killed by being shot, tortured or burned to death. On 30 May, at least 12 men and four boys who were fleeing al-Sijir, north of Falluja, were extrajudicially executed. Prime Minister al-Abadi established a committee to investigate abuses, but the authorities did not disclose any outcome or report any criminal process against the perpetrators.

The PMU and Tribal Mobilization militias, composed of Sunni fighters, were reported to have recruited children and used them in fighting against IS.

The authorities took no steps to clarify the whereabouts and fate of thousands of Sunni Arab men and boys who remained forcibly disappeared after being seized from their homes, at checkpoints, and from camps for internally displaced persons (IDPs) by militias and government forces in previous years.

Abuses by armed groups

IS killed and injured civilians throughout Iraq in suicide bombings and other deadly attacks that were indiscriminate or deliberately targeted civilians in crowded markets, Shi'a religious shrines and other public spaces. IS particularly targeted locations within Baghdad.

A series of attacks in May across Baghdad, mainly in predominantly Shi'a neighbourhoods, killed 150 people and injured 214, mostly civilians, according to officials and media reports.

In areas under its control, IS fighters carried out execution-style killings of perceived opponents and those suspected of collaborating with government forces. IS fighters carried out abductions, including of civilians, and systematically tortured captives. IS imposed a draconian code of conduct and severely punished infractions. Its self-declared "courts" ordered stoning for "adultery" and floggings and other corporal punishments against inhabitants for smoking, failing to adhere to the IS-imposed dress code or other IS rules. IS imposed severe restrictions on the use of telephones and the internet and on women's freedom of movement. IS prevented civilians from fleeing areas it controlled, and used civilians as human shields. Fighters shot at those attempting to escape, destroyed their property and carried out revenge attacks against relatives left behind. The group indoctrinated and recruited boys, including Yazidi captives, using them in battles and suicide attacks. In October, IS used chemical weapons to attack the town of al-Qayyara after it had been recaptured by Iraqi forces, leading to burns and other injuries among civilians.

Violence against women and girls

Women and girls faced discrimination in law and practice, and were inadequately protected from sexual and other gender-based violence. An estimated 3,500 Yazidis captured in Iraq remained in IS captivity in Iraq and Syria and were subjected to rape and other torture, assault and enslavement. Those who managed to escape or were freed after their relatives paid ransoms received inadequate psychological and material support; several committed or attempted suicide.

Arbitrary arrests and detentions

All males considered to be of fighting age (roughly 15 to 65) fleeing territories controlled by IS underwent security screenings by security forces at makeshift detention facilities or temporary reception sites, where they were held for days or months in often dire conditions. Those suspected of terrorism were transferred into the custody of security agencies such as the Anti-Crime Directorate or Anti-Terrorism Directorate, or the General Intelligence branch of the Ministry of the Interior, where they were at risk of torture and other ill-treatment and frequently denied contact with families and lawyers.

Security forces and militias arrested alleged terrorism suspects without judicial warrant from their homes, checkpoints and IDP camps, failing to inform those taken or their relatives of any charges. Many were held in prolonged incommunicado detention, in some cases in conditions amounting to enforced disappearance, in facilities controlled by the Ministries of the Interior and Defence or secret detention centres, where they were interrogated by security officers without lawyers present. Thousands remained in detention without appearing before judicial authorities or being referred for trial.

Torture and other ill-treatment

Torture and other ill-treatment remained rife in prisons, detention centres controlled by the Ministries of the Interior and Defence, and militia-controlled facilities. The most frequently reported methods of torture used against detainees were beatings on the head and body with metal rods and cables, suspension in stress positions by the arms or legs, electric shocks and threats of rape of female relatives. Torture appeared to be carried out to extract “confessions”, obtain information and punish detainees. Several detainees died in custody as a result of torture.

In October, Tribal Mobilization fighters subjected villagers from south of Mosul, suspected of links to IS, to beatings with metal cables, public humiliation and use of electric-shock weapons.

Unfair trials

The criminal justice system remained deeply flawed and trials were systematically unfair. Defendants, in particular terrorism suspects, were routinely denied the rights to adequate defence, to not incriminate oneself or confess guilt and to cross-examine prosecution witnesses. Courts continued to admit into evidence torture-tainted “confessions” without ordering investigations into defendants’ claims or referring them for forensic examination. Some of those convicted after unfair trials were sentenced to death.

Refugees and internally displaced people

More than 3.1 million people remained internally displaced across Iraq, sheltering with host communities or in IDP camps, informal settlements, and buildings under construction. Many were destitute and lived in dire conditions, while humanitarian agencies reported significant shortfalls in international funding. Thousands fled across the border to Syria.

The Iraqi authorities and those of the semi-autonomous Kurdistan Regional Government (KRG) imposed arbitrary and discriminatory restrictions on the freedom of movement of Sunni Arab IDPs. Tens of thousands remained confined to camps with no access to the job market or essential services because they were without local sponsors and therefore unable to obtain the official permits required to enter cities.

Tens of thousands of IDPs were able to return home to areas that government and allied forces recaptured from IS, including the cities of Ramadi and Falluja, after completing onerous security checks. However, tens of thousands of Sunni Arab IDPs from areas recaptured from IS in Babil, Diyala and Salah al-Din governorates were prevented from returning home through a mix of onerous bureaucratic procedures, and intimidation tactics by militias, including abductions, arbitrary detention and extrajudicial executions. Relatives of suspected IS fighters were barred from returning and some had their homes deliberately destroyed or appropriated. Peshmerga and other Kurdish security forces also prevented tens of thousands of Arab residents of KRG-controlled areas, displaced by the conflict, from returning home.

Freedom of expression – media workers

Journalists worked in a dangerous and at times deadly environment, and reported physical assaults, abduction, intimidation, harassment and death threats for covering topics deemed sensitive, including corruption and militia abuses.

Media workers Saif Talal and Hassan al-Anbaki from the al-Sharkia TV channel were shot dead on 12 January in northwestern Diyala while returning from covering a suicide bombing in Muqdadia and revenge attacks by militias targeting Sunni Arabs. The channel accused unidentified militiamen, but the authorities failed to adequately investigate the killing of the media workers.

In April, the Iraqi Communications and Media Commission shut down al-Jazeera’s Baghdad bureau, accusing the channel of “incit[ing] sectarianism and violence”. In March, the authorities closed the Baghdadia TV Channel’s offices in Iraq purportedly for operating illegally without a licence. The channel had published articles on government corruption and pro-reform protests, and had been subjected to several closures in recent years.

Kurdistan Region of Iraq

Media workers, activists and politicians critical of the ruling Kurdistan Democratic Party (KDP) faced harassment and threats and some were expelled from Erbil governorate. No progress was made in conducting investigations into the killings in previous years of journalists and other perceived critics and opponents of the Kurdish authorities.

On 13 August, relatives collected the body of Wedad Hussein Ali, a journalist who worked for a publication seen as supporting the Kurdish Workers' Party (PKK). The body bore injuries indicating that he had been tortured, including deep lacerations to the head. Witnesses told his family that he had been found alive earlier that day in a village west of Dohuk after unidentified men seized him from the street at gunpoint. His family and co-workers reported that he was previously questioned by the Asayish (security forces) in Dohuk and had received death threats. The authorities announced an investigation two days after his killing but had disclosed no outcome by the end of the year.

Asayish and other Kurdish security forces detained thousands of terrorism suspects, mainly Sunni Arab men and boys, amid severe delays in referring them to the judiciary, denial of family visits for prolonged periods of time, and other breaches of due process. In October, the KRG authorities said that the Asayish Ghishti (General Security Agency) and the Asayish branch in Erbil had arrested 2,801 terrorism suspects since the beginning of the year.

Bassema Darwish, a Yazidi survivor of IS captivity, remained detained without trial in Erbil since her arrest in October 2014 in the town of Zummar when it was recaptured by Peshmerga forces from IS. The authorities accused her of complicity in the killing of three Peshmerga officials, but denied her the right to a lawyer of her own choosing and failed to conduct an independent investigation into allegations that General Security Directorate officials in Dohuk tortured her after her arrest.

Courts in the Kurdistan Region of Iraq continued to pass death sentences for terrorism-related offences; no executions were carried out.

Death penalty

Courts sentenced dozens to death by hanging; scores of executions were carried out. Public and political pressure on the authorities to execute "terrorists" mounted following a suicide bombing in the Karrada neighbourhood of Baghdad on 2 July that killed nearly 300 people, mostly civilians. A militia leader threatened to kill death row inmates at Nasriya Prison if the government failed to act. On 12 July, President Masum ratified a law amending the Code of Criminal Procedures to limit the possibility of retrials, aimed at speeding up the execution process.

On 21 August, the government announced the execution of 36 men convicted of participating in the massacre by IS fighters of up to 1,700 Shi'a cadets at the Speicher military training camp in June 2014, after President Masum ratified their death sentences. They were convicted after a trial of only a few hours' duration marred by breaches of the right to a fair trial, including the court's failure to adequately investigate the defendants' allegations that their pre-trial "confessions" were extracted under torture.

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