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Executive summary

Iraq's constitution and laws guarantee equal treatment of citizens, judicial independence, the right to a fair trial, and various other rights related to state protection. In practice, however, the state often fails to uphold these rights.

In general, where a person has a well-founded fear of a non-state actors, their ability to access effective protection will depend on various factors. These include gender, socio-economic status, access to family support, political party affiliation, the profile and influence of the actor from whom they need to be protected, and the type of crime from which they need protection. This is the case in both federal Iraq and the Kurdistan Region of Iraq (KRI).

Whilst the law enforcement and justice systems are vulnerable to manipulation, the onus is on the person to demonstrate that they would not be able to seek and obtain effective protection.

The security apparatus in federal Iraq suffers from a lack of resources, and the persistence of the terror threat makes it difficult for security forces to address other types of crime. Security forces in the KRI generally have better resources than their counterparts in federal Iraq but are compromised by corruption and the influence of party politics.

The federal Iraqi government and the Kurdistan Regional Government (KRG) do little to punish members of the security forces accused of human rights abuses. There have been instances of those under investigation for human rights violations targeting the officials investigating them.

The criminal justice systems in federal Iraq and the KRI are weak. They are under-resourced and hampered by corruption, a large backlog of Daesh-related cases, and pressure from influential actors. Informal tribal justice systems also exist but suffer from issues including a lack of standardisation, bias towards the more powerful of the parties involved in a case, and violations of the rights of women. Tribal justice systems in Iraq cannot, in general, be considered willing and able to provide effective protection.

Corruption is pervasive at all levels of Iraqi society, including in state institutions. Government efforts to combat corruption have had limited success.

All cases must be considered on their individual facts, with the onus on the person to demonstrate that they would not be able to seek and obtain effective protection.

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Assessment

Section updated: 25 June 2025

About the assessment

This section considers the evidence relevant to this note – that is the country information, refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**, a person can obtain effective protection from the state (or quasi state bodies)

Decision makers **must**, however, consider all claims on an individual basis, taking into account each case's specific facts.

Other points to note

This note covers both the semi-autonomous Kurdistan Region of Iraq (KRI), which consists of Erbil, Sulaymaniyah, Duhok and Halabja governorates and is under the control of the Kurdistan Regional Government (KRG), and federal Iraq, which includes all other governorates and is under the control of the Government of Iraq.

Some sub-sections of this note are specific to either federal Iraq or the KRI, while others include information on both regions. Where possible – and particularly where there are significant differences in the situation – the note distinguishes between federal Iraq and the KRI.

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1. Material facts, credibility and other checks/referrals

1.1 Credibility

1.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the Asylum Instruction on Language Analysis).

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1.2 Exclusion

1.2.1 Decision makers must consider whether there are serious reasons for

considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts.

1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on Exclusion under Articles 1F and 33(2) of the Refugee Convention, Humanitarian Protection and the instruction on Restricted Leave.

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2. Protection

2.1.1 In both federal Iraq and the Kurdistan Region of Iraq (KRI), a person's access to protection depends on various factors, including gender, socio-economic status, family support, religious and/or ethnic identity, political party affiliation, the profile and influence of the actor from whom they need to be protected, and the type of crime from which they need protection. Whilst the law enforcement and justice systems are vulnerable to manipulation, the onus is on the person to demonstrate that they would not be able to seek and obtain effective protection.

2.1.2 The constitution guarantees equal treatment before the law, judicial independence, and the right to a fair trial. It prohibits torture, forced confessions, and arbitrary arrest and detention. There are laws criminalising corruption and providing for the operation of an independent human rights commission. However, in practice the state often fails to uphold the constitution and laws (see Constitution and laws).

2.1.3 Anti-terrorism laws in both federal Iraq and the KRI are vague and broad, giving the authorities extensive powers to pursue people deemed to have assisted terrorist activities (including family members of suspects). The vagueness and breadth of the laws has contributed to widespread violations of the rights of terror suspects (see Anti-terrorism laws and Human rights abuses by security forces).

2.1.4 The state security apparatus in federal Iraq includes the armed forces, the police, the Emergency Response Division, Provincial Emergency Police Battalions, Border Guards, the Counter-Terrorism Service, the National Security Service and the Popular Mobilisation Forces (PMF), among other entities. The armed forces (not including the PMF) have an estimated 200,000 personnel. Most units do not have sufficient training and funding to operate effectively. The police services have an estimated 230,000 personnel and also suffer from underfunding, making it difficult for them to carry out their duties. The PMF, a state-sponsored grouping of dozens of militias and the dominant security actor in certain areas of the country, is

estimated to comprise at least 200,000 personnel. Although the PMF officially falls under the command of the Prime Minister, the government is generally unable to control it. The PMF is accused of numerous human rights abuses. CPIT was unable to find information indicating that the PMF is present in the KRI (see Security forces in federal Iraq and Human rights abuses by security forces).

2.1.5 The main state security actors in the KRI are the Peshmerga (the armed forces), the Asayish (the internal security service) and the police. These actors are not unified across the KRI because of the influence of party politics. The two main parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), each have their own security apparatus. Different units and factions within the security forces, including the police, are usually affiliated with one of the two parties. The Peshmerga is estimated to have a total of around 150,000 personnel. Information on the size of other security actors was not available. Sources indicate that security forces in the KRI are generally better trained, funded and equipped than their counterparts in federal Iraq but are compromised by corruption and the influence of party politics (see Security forces in the KRI).

2.1.6 CPIT was unable to find reliable data on the levels of crime, making it difficult to statistically assess the prevalence of criminality. However, one source did report a 15% decrease in crime rates between 2023 and 2024. Sources suggest that violent crime is common in federal Iraq and that organised crime – including drug and human trafficking – is also a significant problem. Militias and criminal gangs are involved in extortion and protection rackets, with one source describing this as a 'growing problem'. The KRI also suffers from high levels of violent crime, but to a lesser extent than federal Iraq. Violent crime in the KRI is often related to tribal disputes or honour-based violence. The proliferation of firearms among civilians across the country contributes to the high levels of violent crime (see Types and rates of crime and the CPIN Iraq: Blood feuds, honour crimes and tribal violence).

2.1.7 Security forces in federal Iraq reportedly struggle to respond to crimes due to a preoccupation with terrorism and security incidents. In the KRI, security forces are generally more capable of responding to incidents than their counterparts in federal Iraq. Widespread corruption is a major obstacle to the effective operation of security forces across the country (see Effectiveness of security forces).

2.1.8 Security forces in both federal Iraq and the KRI are responsible for human rights abuses, although the lack of reliable statistics makes it difficult to establish the scale and extent to which these human rights abuses occur. Torture is reportedly common, particularly of terror suspects including juvenile detainees, despite the existence of laws against it (see 2.1.4 and 2.1.5). Arbitrary and unlawful arrest and detention take place, as well as extended detention before trial and sometimes after a court has ordered release. Security forces have carried out extrajudicial killings and enforced disappearances. The federal government and the Kurdistan Regional Government (KRG) do little to address human rights abuses committed by their security forces, and there are examples of those involved in human rights abuses targeting law enforcement and judicial officials tasked with investigating their conduct (see Human rights abuses by security forces).

2.1.9 The criminal justice systems in federal Iraq and the KRI are weak. Reasons

for this include a lack of resources, corruption, preoccupation with Daesh-related cases, and pressure from political, sectarian, and criminal actors. Lengthy delays before and during trials are common, as are miscarriages of justice. Several issues hamper defendants' right to a fair trial, including a lack of adequate legal representation. Convictions based on confessions obtained under torture are reportedly common, especially in terrorism cases (see State justice system, Judiciary and Trials and legal representation).

2.1.10 Prison conditions across the country are very poor. Prisons are overcrowded, operating at an average of 200-300 percent capacity, and diseases are widespread. Inmates have died in prisons and pretrial detention facilities because of the harsh conditions. There are many reports of torture in prisons as well as other human rights violations, such as the alleged sexual abuse of inmates, including children. The death penalty can be applied for a wide range of crimes, though most executions in recent years have involved people found guilty of terrorism offences. The KRG continues to issue death sentences but does not carry out executions, with the last executions taking place in 2015 or 2016. In federal Iraq, almost 400 executions have taken place since 2016, with 30 of these occurring between January and July 2024 (see Prison conditions and Death penalty).

2.1.11 Informal tribal justice systems operate alongside the official state justice system. The relationship between state and tribal justice is complicated, involving a mixture of cooperation and conflict. Tribal justice aims to maintain stability and order, preserve collective honour, and prevent the escalation of conflict. Many kinds of disputes and crimes can be referred to a tribal justice system, from murder to land disputes to medical negligence. Sources highlight major issues with tribal justice, such as the lack of standardisation, the risk of the system being manipulated, the fact that decisions are influenced by the power and connections of the parties involved, and violations of the rights of women. However, in some cases people prefer tribal justice over the formal justice system, for reasons including a lack of trust in and/or a lack of access to the formal justice system. Nevertheless, tribes cannot, in general, be considered willing and able to provide effective protection (see Tribal justice system and the CPIN Iraq: Blood feuds, honour crimes and tribal violence).

2.1.12 Sources describe corruption as widespread and pervasive at all levels of Iraqi society. People often have to pay bribes to obtain basic services. Embezzlement, nepotism, and other forms of corruption are deeply ingrained in government institutions. The government has made efforts to combat corruption, but these have had limited success (see Corruption).

2.1.13 For further guidance on assessing state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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Country information

About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the research methodology. It provides the evidence base for the assessment.

The structure and content of this section follow a terms of reference which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **25 June 2025**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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3. Legal context

3.1 Differences in laws between federal Iraq and the KRI

3.1.1 The Constitution of Iraq applies to both federal Iraq and the Kurdistan Region of Iraq (KRI), but there are differences in its application between the two regions[1].

3.1.2 In June 2022, the European Union Agency for Asylum (EUAA) published a report entitled 'Country Guidance: Iraq' (June 2022 EUAA report), citing other EUAA products, which stated:

'The Constitution permits the KRG 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… Under the Constitution, the KRG has considerable powers to legislate a range of areas including…policing and security… The Kurdish Parliament may also amend the application of Iraq-wide legislation falling outside of exclusive federal powers.'[2]

3.1.3 In its 'Iraq – Law Guide', published in October 2023, the European Country of Origin Information Network (ecoi.net) stated: 'It should be noted that not all articles of the Penal Code apply in the Kurdistan Region. Article 121(1) of the Iraqi Constitution gives the [Kurdistan] regional parliament the right (with exceptions) to enact its own laws. On this basis, the Kurdistan parliament has already amended some articles of the Penal Code that are only valid within the region.'[3]

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3.2 Constitution and laws

3.2.1 The June 2022 EUAA report stated: 'The Iraqi Constitution provides

[1] EUAA, Country Guidance: Iraq (Section 4.1.2), 29 June 2022
[2] EUAA, Country Guidance: Iraq (Section 4.1.2), 29 June 2022
[3] ecoi.net, Iraq - Law Guide (Criminal Law), October 2023

guarantees for fundamental rights, rule of law, equal treatment before the law, equal participation, and judicial independence, and prohibits discrimination on various grounds.'[4]

3.2.2 The same source also stated: 'The Constitution prohibits all forms of violence and abuse in the family... Spousal rape is not criminalised in [federal] Iraq [but is criminalised in the KRI[5]].'[6]

3.2.3 In January 2024, the United Nations High Commissioner for Refugees published a report entitled 'International Protection Considerations with Regards to People Fleeing Iraq – Update I' (January 2024 UNHCR report). It stated: 'Existing federal laws do not adequately address violence against women and girls... At the time of writing, a 2019 draft of the Family Protection Law and the strategy for combating gender-based violence remain stalled before the CoR [Council of Representatives, also known as the Iraqi parliament].'[7]

3.2.4 For further information on laws relevant to gender-based violence, see the CPIN Iraq: Blood feuds, honour crimes and tribal violence.

3.2.5 In April 2024, the United States State Department (USSD) published its annual report on human rights conditions in Iraq, covering the year 2023 (April 2024 USSD report). The report mentioned Iraq's constitution and laws several times when covering various human right issues. In general, it indicated that, while Iraq's constitution and laws nominally respected human rights, state institutions often failed to uphold them in practice[8]. It should be noted that the report did not provide specific information about the scale of institutional failures to abide by the constitution and laws. Relevant sections of the report are referenced throughout this CPIN. See the USSD report for more information.

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3.3 Criminal law

3.3.1 For the full text of Iraq's penal code, including all amendments up to March 2010, see Iraq: Penal Code (not an official translation).

3.3.2 Ecoi.net's 'Iraq – Law Guide' stated:

'A valid version of the penal code can be found on the Iraqi legal database, with a note that the law has been subject to amendments. There are notes attached to the law containing changes up to 2003. However, it is unclear whether the amendments have been incorporated into the legal text.

'… One can assume that there have been amendments to the Penal Code in recent times. For example, in February 2018 the newspaper Al-Araby Al-Jadeed reported that the Iraqi government has tightened certain provisions in the Penal Code in order to curb violent tribal conflicts. To this end, Article 430 is said to have been amended (Al-Araby Al-Jadeed, 7 February 2018). In June 2019, the regulations concerning fines contained in the Penal Code

[4] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[5] UNHCR, International Protection Considerations… (Page 155), 30 January 2024
[6] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[7] UNHCR, International Protection Considerations… (Page 150), 30 January 2024
[8] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Sections 1-6), 23 April 2024

were amended (Law No. 4 of 2019).'[9]

3.3.3 Further information on the laws of Iraq and how to research them is available in ecoi.net's Iraq – Law Guide.

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3.4 Anti-terrorism laws

3.4.1 In January 2020, the United Nations Assistance Mission for Iraq (UNAMI) published a report entitled 'Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL' (January 2020 UNAMI report). It stated:

'The Iraqi Federal Government and the Kurdistan Regional Government adopted anti-terrorism laws in 2005 and 2006 respectively. While constituting separate pieces of legislation with differing content, both laws are characterized by a broad definition of "terrorism"… The two laws, however, significantly differ in terms of sentencing rules for terrorist crimes. The KRI Anti-Terror Law provides consecutive sentences for different acts of terrorism, ranging from the death penalty to life imprisonment to imprisonment for less than 15 years. By contrast, the Federal Anti-Terrorism Law requires the mandatory application of the death penalty for any person who commits any of the terrorist acts detailed in the law. Those who incite, plan, finance, or assist terrorists face the same penalty as the main perpetrator of the terrorist act.

'… [W]hile the Federal Anti-Terrorism Law is silent on fair trial rights and procedural guarantees, article 13 of the KRI Anti-Terror Law stipulates that accused persons should be treated fairly in accordance with the law during interrogation, including through the provision of a lawyer. Torture and inhuman treatment are also explicitly prohibited. However, contrary to international law, article 13 of the KRI Anti-Terror Law allows for confessions extracted under duress to be used in court if they are supported by other evidence.'[10]

For further details, see the full report, which is based on 'independent monitoring by UNAMI of 794 criminal court hearings in Anbar, Baghdad, Basra, Dhi-Qar, Dohuk, Erbil, Kirkuk, Ninewa, and Wassit governorates'[11].

3.4.2 In August 2022, the Kurdistan Center for International Law (KCIL), which describes itself as an 'academic, Kurdish-German, non-governmental, non-partisan, non-profit, and independent center with a primary focus on research and analysis of the international law pertaining to Kurdistan's communities'[12], published a research paper entitled 'Obstacles, Limitations and Challenges Hindering the Progress of the Judicial System in the Kurdistan Region of Iraq'. It stated:

'Since the emergence of the Islamic State of Iraq and Syria (ISIS) in 2014, the Anti-Terrorism Law has been used to prosecute ISIS-affiliated fighters. It has also allowed judges to bring charges against a wide range of individuals, including some who were not implicated in specific violent acts but are

[9] ecoi.net, Iraq - Law Guide (Criminal Law), October 2023
[10] UNAMI, Human Rights in the Administration of Justice in Iraq… (Pages 4-5), 28 January 2020
[11] UNAMI, Human Rights in the Administration… (Executive Summary), 28 January 2020
[12] KCIL, About us, no date

deemed to have assisted ISIS, including, for example, doctors who worked in ISIS-run hospitals or cooks who prepared food for the fighters. The Anti-Terrorism Law carries harsh sentences, even for mere membership of ISIS, such as life imprisonment or the death penalty.

'… The KRI's Anti-Terrorism Law provides consecutive sentences for different acts of terrorism, ranging from the death penalty to life imprisonment and to imprisonment for less than 15 years for any person who commits any of the terrorist acts detailed in the law. Those who incite, plan, finance, or assist terrorists also face the same penalty as the main perpetrator of the act. The broad definitions related to criminal offences under the existing Anti-Terrorism Law enlarge the scope of the prohibited conduct and make them liable to subjective and overly flexible interpretations. The Anti-Terrorism Law stipulates that accused persons should be treated fairly in accordance with the law during interrogation, including through the provision of a lawyer. Torture and inhuman treatment are also explicitly prohibited. However, contrary to international law, Article 13 of the Anti-Terrorism Law allows for confessions extracted under duress to be used in court if they are supported by other evidence. This provision is unconstitutional; it is against Article 27 (c) of the Iraqi Constitution and against Iraq's obligations as a signatory of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

'The Anti-Terrorism Law is vague; it can be applied to a wide range of activities and the law overlaps with other applicable laws in the KRI. For instance, case NO. 255/ Juvenile/ Cassation on July 28, 2021, described a 16-year-old girl who had joined a WhatsApp group which was used by Islamic groups. The investigative judge and the trial chamber decided that the girl's activity counted as an act of terrorism and sentenced her to two years in prison, according to Article 3 of the Anti-Terrorism Law. The case was appealed in front of the Juvenile Committee in the Kurdistan Court of Cassation, which accepted the appeal and later decided that the case was not related to any terrorist activity; they changed the prosecuting law to the Misuse of Telecommunications Law and reduced the young girl's sentence to six months.'[13]

3.4.3 For further information on how the constitution and laws are applied in practice, see Human rights abuses by security forces and State justice system.

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4. Overview of state protection

4.1 General

4.1.1 In January 2023, the Australian Department of Foreign Affairs and Trade published a report on Iraq (January 2023 DFAT report) which made the following assessment:

'The ability of authorities to provide state protection varies by location. Several parts of the country are not under the effective control of the state. Impunity for abuses committed by security forces and other officials remains the norm. All state institutions are significantly affected by Corruption, particularly the police. State protection bodies are heavily politicised and

[13] KCIL, Obstacles, Limitations and Challenges… (Pages 42-47), August 2022

subject to sectarian and tribal influences. Territorial and jurisdictional disputes between central authorities and the KRG often impair their ability to provide state protection. Security forces are sometimes reluctant to intervene in violent protests, either through fear of escalation or sympathy with the protesters' cause, for instance during the 2022 protests and seizure of Parliament by groups loyal to Shi'a cleric Muqtada al-Sadr.'[14]

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4.2 Federal Iraq

4.2.1 In November 2024, the EUAA published a report entitled 'Country Guidance: Iraq' (November 2024 EUAA report), citing other EUAA products, which made the following assessment about the availability of protection in federal Iraq:

'In Baghdad and southern Iraq, the Iraqi State may, depending on the individual circumstances of the case, meet the requirements of Article 7 QD/QR [Qualification Directive/Qualification Regulation]. The Iraqi state, even at the time of ISIL [Islamic State of Iraq and the Levant] resurgence, kept control of the southern governorates and these areas remained little affected by the conflict with ISIL. Iraqi security forces, including the PMF, have a strong presence in these regions, however, they can be subordinated to the political interests of certain groups.

'… In most other parts of northern and central Iraq, the capacity of the State still remains limited and the criteria under Article 7 QD/QR would generally not be met. Security conditions in areas liberated from ISIL significantly improved, prompting plans to transfer the responsibility for security in the city centres to the Ministry of Interior; however, the conflict has persisted. The PMF have dominated the security sector in the liberated governorates of Ninewa, Anbar and Salah al-din, where they have also sought to profit economically. Furthermore, some security gaps still exist, mainly in rural and desert regions and the situation in these governorates cannot be considered as fully stabilised. The situation of the disputed territories remained unsolved, therefore the criteria under Article 7 QD/QR would generally not be met in these areas.'[15]

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4.3 KRI

4.3.1 The November 2024 EUAA report made the following assessment about the availability of protection in the KRI: '… [T]he KRG is, in general, considered to be an actor of protection meeting the requirements of Article 7 QD/ QR. However, in areas heavily affected by the Türkiye-PKK [Kurdistan Workers' Party] conflict, KRG protection would remain limited.'[16]

4.3.2 The same source stated 'Recent sources also indicate that Kurdish tribes have gained significant political and military power since the formation of the KRG, influencing administrative and institutional establishments. Increasingly more people are reported to solve their issue through tribal justice mechanism. Tribalism is also prevalent within the Peshmerga across the

[14] DFAT, Country Information Report Iraq (Section 5.1), 16 January 2023
[15] EUAA, Country Guidance: Iraq (Section 5.1.1), 14 November 2024
[16] EUAA, Country Guidance: Iraq (Section 5.1.2), 14 November 2024

KRI.'[17]

4.3.3 For more information, see the CPIN Iraq: Blood feuds, honour crimes and tribal violence.

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5. Security forces in federal Iraq

5.1 Structure and composition

5.1.1 The June 2022 EUAA report defined the Iraqi Security Forces (ISF) as 'formal military and security forces, including the Iraqi Army, the Federal Police, the Emergency Response Division, Provincial Emergency Police Battalions, Border Guards having a role in counterterrorism and the Counter Terrorism Service'.[18] It should be noted, however, that the definition of the ISF is unclear and varies across sources. For example, while the EUAA report did not include the PMF under the ISF, the January 2023 DFAT report[19] did.

5.1.2 The June 2022 EUAA report stated:

'The Iraqi Security Forces (ISF) control most of Iraq, excluding the KRI. In some areas, ISF only holds nominal control, whereas in practice control is exercised by Popular Mobilisation Forces (PMF), e.g. areas in Salah al-Din and Diyala.

'In certain areas in north/central Iraq PMF are dominant (e.g. areas in Salah al-Din). Southern governorates are considered areas of shared control between ISF and PMF.

'… There are four security institutions in federal Iraq under the command of the prime minister. Firstly, the Ministry of Defence, which includes ground forces such as Army Divisions, Special Forces, the Special Security Division and the Commando Brigades, secondly the Ministry of Interior which includes the Emergency Response Division, the Federal Police and the Border Guard Forces, thirdly the Counter Terrorism Service and as last [sic] the Popular Mobilisation Committee (PMC). The first three categories are referred to as the Iraqi Security Forces (ISF)… It should be noted that the distinction between official state forces and non-state forces is not always clear.'[20]

5.1.3 The same source also stated:

'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. Due to "ghost soldiering" [people listed on payrolls but who either do not exist or do not report for duty[21]] actual figures of police personnel have been difficult to estimate. The Iraqi federal police are focused more on counterterrorism than on ordinary policing, and are organised into military-style units. Particularly in recent years of fighting ISIL, they have transformed themselves into a paramilitary force rather than focusing on law enforcement. Sources report

[17] EUAA, Country Guidance: Iraq (Section 5.1.2), 14 November 2024
[18] EUAA, Country Guidance: Iraq (Section 3.3.2), 29 June 2022
[19] DFAT, Country Information Report Iraq (Section 5.2), 16 January 2023
[20] EUAA, Country Guidance: Iraq (Section 1 and 1.1), 29 June 2022
[21] BBC, Iraqi army 'had 50,000 ghost troops' on payroll, 30 November 2014

its membership to be between 37,000 – 44,000.'[22]

5.1.4 The January 2023 DFAT report stated:

'The Iraqi Security Forces (ISF) are administratively organised within the Ministries of Interior and Defence, the PMF, and the Counterterrorism Service. The Ministry of Interior is responsible for domestic law enforcement and maintenance of order. It oversees the Federal Police, Provincial Police, Facilities Protection Service, Civil Defence and Department of Border Enforcement. Energy Police, under the Ministry of Oil, are responsible for providing infrastructure protection. Conventional military forces under the Ministry of Defence are responsible for the defence of the country but also carry out counterterrorism and internal security operations in conjunction with the Ministry of Interior… The National Security Service (NSS) intelligence agency…reports directly to the Prime Minister.'[23]

5.1.5 In May 2024, the EUAA published a report entitled 'Iraq – Security Situation' (May 2024 EUAA report) which stated:

'The ISF [Iraqi Security Forces] consist of the military and security forces reporting to the Ministry of Defence, the Ministry of Interior and the Council of Ministers. The army reports to the Ministry of Defence, the Federal Police and Border Guard Force report to the Ministry of Interior. The Counter Terrorism Service (CTS) exists outside the two ministries and reports directly to the Prime Minister. The army ground forces, including CTS, reportedly comprise approximately 180,000 troops, while the Federal Police has about 36,000 troops. The Federal Police has been trained in anti-ISIL ground combat, leading to a focus on a more paramilitary role at the expense of traditional policing duties.'[24]

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5.2 Iraqi Armed Forces

5.2.1 The January 2023 DFAT report stated: 'The Iraq Armed Forces (IAF) consist of an army, air force, navy and special forces, with an estimated size of 200,000 total military personnel. Many units of the IAF are geographically-based, with Shi'a units serving in the south and Sunni in the centre.'[25]

5.2.2 The CIA World Factbook entry on Iraq, updated in June 2025, provided estimates of the size of the Iraqi Armed Forces: '[I]nformation varies; approximately 200,000 active armed forces personnel under the Ministry of Defense (Army, Aviation Command, Air/Air Defense, Navy, Special Forces); approximately 20-25,000 National-Level Security Forces. Ministry of Peshmerga: approximately 150,000 active personnel (2025)'[26]

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5.3 Police

5.3.1 The January 2023 DFAT report stated:

'The Iraqi Police falls under the authority of the Ministry of Interior's Security Department. It is divided into the Iraqi Police Service (IPS), tasked with the

[22] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[23] DFAT, Country Information Report Iraq (Section 5.2), 16 January 2023
[24] EUAA, Iraq - Security Situation (Page 32), 28 May 2024
[25] DFAT, Country Information Report Iraq (Section 5.4), 16 January 2023
[26] CIA, World Factbook: Iraq (Military and Security), updated 10 June 2025

general maintenance of law and order and initial incident response, and the Federal Police, a paramilitary organisation that responds to armed insurgency, large-scale civil disobedience and riots that are beyond the capabilities of the IPS but not severe enough for the IAF. The Iraqi Police has an estimated 230,000 members. The Federal Police is the better equipped and trained of the two services. The Iraqi Police only began recruiting female officers in 2010. Their numbers are slowly increasing, but there are no female officers in senior positions.'[27]

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5.4 Popular Mobilisation Forces (PMF)

5.4.1 The January 2023 DFAT report stated:

'The Popular Mobilisation Forces (PMF) are a state-sponsored umbrella military organisation composed of approximately 50 militia groups operating nationwide… Most PMF units are Shi'a Arab and operate across [federal] Iraq. Sunni Arab, Yazidi, Christian and other minority PMF units also exist, generally operating within or near their home regions. Some militias have political wings and parliamentary representation. Many PMF elements reportedly answer directly to the Iranian government, in particular to the Islamic Revolutionary Guard Corps.'[28]

5.4.2 The USSD's Overseas Security Advisory Council (OSAC) provides 'U.S companies and organizations with the 'tools they need to cope with security issues in a foreign environment'.[29] OSAC's 'Iraq Country Security Report', updated in July 2024, stated:

'Although the Popular Mobilization Forces are part of the Iraqi Security forces and receive funding from the government's defense budget, their operations are often outside government control and in opposition to government policies. Most popular mobilization unit members are Shia Arabs, reflecting the demographics of the country, while Sunni Arab, Yezidi, Christian, and other minority groups tended to organize their own units, generally operating within or near their home regions. All popular mobilization units officially report to the chairman of the Popular Mobilization Committee and are under the ultimate authority of the prime minister, but several units were in practice also responsive to Iran and its Islamic Revolutionary Guard Corps.'[30]

5.4.3 In February 2024, the French Research Center on Iraq (CFRI), 'an independent think tank' which seeks to 'produce impartial knowledge and make Iraqi geopolitics accessible to a larger audience',[31] published an article entitled 'The Role of Militias in Iraq: Evaluating their Impact and Strategies for Mitigation'. It stated:

'The Popular Mobilization Forces (PMF), known in Arabic as Al-Hashd al-Shaabi, can be considered as an officially recognized state institution. It serves as an umbrella organization encompassing various militias, with a predominantly Shiite composition. While there is no precise information

[27] DFAT, Country Information Report Iraq (Section 5.7), 16 January 2023
[28] DFAT, Country Information Report Iraq (Section 5.5), 16 January 2023
[29] US Embassy in UK, Overseas Security Advisory Council, no date
[30] OSAC, Iraq Country Security Report (Pages 8-9), last updated 8 July 2024
[31] CFRI, About CFRI, no date

about their exact number, estimates range between 140,000 and 238,000 individuals, comprising almost half of the Iraqi army. These personnel are spread across 60 to 70 groups, primarily Shiite in composition. Although these groups interact through the central organization, there is no supreme principle governing all of them, and they may strongly disagree with each other regarding operational tactics and strategic focus. The formation of the PMF traces back to 2014 during the occupation of a third of Iraq by ISIS. At that time, Iraq's security and military forces were weak, and the threat of ISIS seizing more territory and advancing towards Baghdad prompted Ayatollah Ali al-Sistani, an influential Iraqi religious authority, to issue a religious fatwa calling for jihad against ISIS to all Iraqi citizens. Following this, a significant number of Iraqi citizens, predominantly Shiites, enlisted in militia groups affiliated with the Hashd al-Shaabi and joined the fight against ISIS.'[32]

5.4.4 The May 2024 EUAA report stated:

'The PMF (also known as the Popular Mobilisation Units, PMU or Al-Hashd Al-Sha'bi) are "an umbrella of more than 60 armed factions that operate separately from the ISF and are nominally under the command of the Iraqi prime minister". They were originally formed in 2014 to combat ISIL following the group's takeover of the northern city of Mosul. In April 2023, the finance committee of the Iraqi parliament published a report stating that the number of PMF personnel in the 2023 budget had increased by 95%, from 122,000 to 238,000. PMF Chairman Falih Al-Fayyadh later gave a lower figure of 204,000 troops covered in the budget allocated to the PMF. According to the Washington Institute for Near East Policy (TWI), the number of registered PMF troops has long been deliberately obscured and the actual troop numbers have always exceeded the number of those registered.

'The PMF are heterogeneous in nature and there are internal rivalries within PMF ranks. The PMF are characterised by three factions, the first and the most powerful one is allied with Iran, featuring groups such as the Badr Corps, Asa'ib Ahl Al-Haq, and Kata'ib Hezbollah. The second follows the Shiite religious authority in Najaf, headed by Grand Ayatollah Ali Al-Sistani and the third is loyal to the political and religious leader Muqtada Al-Sadr. Most of the PMF members are Shia Arabs, however there are smaller militias made up of Sunni Arabs or smaller minority groups, such as Yazidi, Christian, Shabak, and Turkmen units. These smaller groups are allied with the main factions, often with the pro-Iranian groups because of their influence and power. They are generally active within or near the regions they live in.

'Beginning in 2016, the Iraqi parliament passed several bills aimed at officially bringing the PMF under government control and integrating them into the state security forces. The ambiguously worded law, however, made it possible for the PMF to remain a highly autonomous entity, using their status as a state actor to their benefit while at the same time interpreting their institutional mandate quite freely. There are some militia groups that still exist outside the official PMF structure as well as groups which operate several state-funded PMF-brigades but also receive orders from the IRGC, among them Kata'ib Hezbollah and Asa'ib Ahl Al-Haq. PMF troops are widely considered to be loyal to their individual leaders and in some cases to

[32] CFRI, The Role of Militias in Iraq…, 21 February 2024

report to Iranian advisors. This leads them to carry out operations without the approval of the Iraqi Prime Minister, the commander-in-chief of all Iraqi security forces.

'During the reference period, PMF units were engaged in anti-ISIL operations across the country. In addition to conducting security-related activities, the PMF have gradually expanded their influence over the Iraqi state, forming a political bloc with a significant presence in the Iraqi parliament as well as provincial councils, and gaining indirect control of several ministries as well as the Supreme Court. Representatives of PMF factions have a seat in parliament and determine policy. While the state budget allocates salaries to the PMF for their role as security agents, PMF members have sought to increase their gains by engaging in extralegal and illegal activities, such as creating military enterprises, seizing properties, imposing arbitrary taxes at checkpoints, smuggling goods such as oil, trading in scrap metal, kidnapping and extortion.'[33]

5.4.5 The CIA World Factbook entry on Iraq, updated in June 2025, stated that '[T]he PMF and TMF [Tribal Mobilization Forces – see Tribal Mobilisation] are a collection of more than 50 militias of widely varied sizes and political interests.'[34]

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5.5 Tribal Mobilisation

5.5.1 The June 2022 EUAA report stated: 'The Tribal Mobilisation (TM) militias, or Hashd al-Asha'iri, are composed of fighters from Sunni tribes. The TM are generally active locally in their own places of origin. Their role has increased during the fight against ISIL and in securing the areas once they were recaptured.'[35]

5.5.2 The same source also noted: 'The nature of these forces [Tribal Mobilisation militias] is difficult to categorise because some take orders directly from Iraqi forces and local authorities, while others strongly affiliate with and respond to orders from … PMF.'[36]

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5.6 Counter-Terrorism Service

5.6.1 The January 2023 DFAT report stated: 'The Counterterrorism Service reports directly to the Prime Minister and oversees the Counterterrorism Command, an organisation that includes three brigades of special operations forces.'[37]

5.6.2 In December 2024, the USSD published a report on terrorism in Iraq, covering the year 2023. It stated: 'Iraqi counterterrorism functions are principally executed by the Counterterrorism Service (CTS), a Cabinet-level entity reporting directly to the prime minister.'[38]

5.6.3 In March 2024, the US Department of Defense (USDOD) published a budget

[33] EUAA, Iraq - Security Situation (Pages 33-35), 28 May 2024
[34] CIA, World Factbook: Iraq (Military and Security), updated 10 June 2025
[35] EUAA, Country Guidance: Iraq (Section 1.2), 29 June 2022
[36] EUAA, Country Guidance: Iraq (Page 19), 29 June 2022
[37] DFAT, Country Information Report Iraq (Section 5.2), 16 January 2023
[38] USSD, Country Reports on Terrorism 2023: Iraq (Overview), 12 December 2024

document entitled 'Justification for FY [fiscal year] 2025: Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund (CTEF)'. It stated:

'The Iraqi CTS [Counter-Terrorism Service] is an independent, quasi-ministerial level organization separate from the Iraqi MoD [Ministry of Defence] and the MoI [Ministry of Interior] that reports directly to the Prime Minister. It has a three-tiered organizational structure, which includes the CTS headquarters, the Counter-Terrorism Command (CTC), and three Iraqi Special Operations Forces (ISOF) brigades. CTS engages in warrant-based, intelligence-driven operations against ISIS elements across Iraq. CTS remains one of the most capable ISF elements contributing to the enduring defeat of ISIS.'[39]

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6. Security forces in the KRI

6.1 Structure and composition

6.1.1 The OSAC report, updated in July 2024, stated:

'The two main Kurdish political parties, the Kurdistan Democratic Party [KDP] and the Patriotic Union of Kurdistan [PUK], each maintain an independent security apparatus. Under the federal constitution, the Kurdistan Regional Government has the right to maintain internal security forces, but the Patriotic Union of Kurdistan and the Kurdistan Democratic Party separately control additional Peshmerga military units, as well as separate police forces under nominal Kurdistan Regional Government Ministry of Interior control. The constitution also allows for a centralized, separate Asayish internal security service; however, the Kurdistan Democratic Party and Patriotic Union of Kurdistan also each maintain Asayish forces. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan also maintain separate intelligence services, nominally organized under the Kurdistan Region Security Council.'[40]

6.1.2 The November 2024 EUAA report stated that 'In the KRI, the Peshmerga, the municipal police and the Asayish (intelligence agency) are the main security actors of the KRG. Approximately 54 000 Peshmerga form units commanded by the KRG Ministry of Peshmerga Affairs, while the larger force, about 100 000 troops, serve in units directly controlled by either the KDP or the PUK.'[41]

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6.2 Peshmerga (armed forces)

6.2.1 The June 2022 EUAA report stated:

'The Peshmerga are the Kurdish armed forces overseen by the KRG Ministry of Peshmerga Affairs and are responsible for maintaining order in the KRI. Militias of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) are (de facto) also part of the Peshmerga. However, they report to the Ministry of Interior, thereby having both a civilian policing and military function … The Peshmerga main objectives are to

[39] USDOD, Justification for FY 2025: Counter-Islamic State… (Page 10), March 2024
[40] OSAC, Iraq Country Security Report (Page 8), updated 8 July 2024
[41] EUAA, Country Guidance: Iraq (Section 5.1.2), 14 November 2024

ensure the security of the KRI and eliminate ISIL terrorist threats.

'… As a result of different political factions, Peshmerga groups' operating procedures are not standard or uniform and they frequently do not coordinate, with each faction taking orders from their political command. Sources indicated that the Peshmerga factions are politically divided and 'deeply partisan', and an instrument of political patronage for the PUK and KDP's respective political bureaus. An atmosphere of mistrust between the main political parties in KRI has been created, with each perceiving their own factions of the security forces as a line of defence against political rivals.'[42]

6.2.2 The January 2023 DFAT report stated:

'The Peshmerga is the KRG's military force, with primary responsibility for the KRI's security (the Iraqi army is forbidden by law to enter the KRG)… The Peshmerga contains a much higher percentage of women than does the central [federal Iraqi] military, including all-female "Women's Protection Units"… The Peshmerga is reportedly divided between those loyal to the KDP and those loyal to the PUK. Efforts to integrate them and bring them under one command have had limited success.'[43]

6.2.3 In October 2023, the Foreign Policy Research Institute (FPRI), a think tank 'dedicated to strengthening US national security and improving American foreign policy'[44] published an article entitled 'Peshmerga Reforms: Navigating Challenges, Forging Unity' which stated:

'The Peshmerga – "those willing to face death" – a term resonating with Kurdish valor, traces its origins to the twentieth-century struggle for Kurdish rights in Iraq. Amidst this fight, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) emerged as powerful entities, each with its own Peshmerga forces. The major contemporary parties of Iraqi Kurdistan, the KDP and PUK developed their separate Peshmerga forces when they were in the opposition fighting the pre-2003 regimes in Iraq. Over the decades, relations between the KDP and PUK have fluctuated between armed conflict, alliance, and political tensions. More recently, despite pivotal moments that could have unified them, persisting divisions have prevented this. The Peshmerga remained fragmented due to partisan units such as the KDP's 80 Unit and the PUK's 70 Unit operating outside the Kurdistan Regional Government's Ministry of Peshmerga Affairs (MoPA) that came into existence after the Kurdish uprising in 1991. Today, Iraq's Kurdistan Region is divided between de facto Yellow (KDP) and Green (PUK) security zones patrolled by partisan Peshmerga units as well as MoPA Peshmerga forces.

'… In the past year, MoPA has made important steps toward achieving reforms [aimed at unifying KDP- and PUK-affiliated Peshmerga and professionalising the Peshmerga].

'A total of twenty-eight Regional Guard Brigades have been unified... This process, overseen by the [US-led] coalition forces and MoPA, involved meticulous assessments and categorizations, ensuring a streamlined, cohesive force.

'Two division headquarters have been established, enhancing command and

[42] EUAA, Country Guidance: Iraq (Sections 1.3 and 4.1.2), 29 June 2022
[43] DFAT, Country Information Report Iraq (Section 5.11), 16 January 2023
[44] FPRI, About the Foreign Policy Research Institute, no date

control over regional guard brigades. (Note: Staffing shortfalls remain due to intransigence about how many partisan Peshmerga officers will fill critical roles).'[45]

See the full article for further examples of recent reforms undertaken by the Peshmerga.

6.2.4 The May 2024 EUAA report stated:

'The Peshmerga are the regional armed forces of the KRI, which have historically been divided into forces under the Kurdistan Democratic Party (KDP) and forces under the Patriotic Union of Kurdistan (PUK). Approximately 54,000 Peshmerga form units commanded by the KRG Ministry of Peshmerga Affairs (MoPA), while the larger force, about 100,000 troops, "serve in units directly controlled by either" KDP or PUK. The US has been subsidising payments of Peshmerga serving under the MoPA and has pushed to move the partisan units under a joint MoPA command. However, there has not been much progress due to the continued political divide between the two parties.'[46]

6.2.5 The CIA World Factbook entry on Iraq, updated in June 2025, estimated the Ministry of Peshmerga's personnel numbers to be approximately 150,000[47].

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6.3 Police

6.3.1 The June 2022 EUAA report stated: '[In the KRI,] [m]unicipal police are responsible for traditional civil and traffic enforcement, environmental policing, immigration enforcement and facilities protection. Routine policing, patrols, first response and investigation of minor felonies fall within their responsibilities, along with a range of administrative functions. Emergency police handle major felonies. It is reported that the municipal police remain politically divided along party lines.'[48]

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6.4 Asayish (security and intelligence agency)

6.4.1 The January 2023 DFAT report stated: 'Asayish is the KRG's primary security and intelligence agency. Its official functions include counter-terrorism, counter-espionage, gathering intelligence, assessing security threats, and countering smuggling, economic and political crimes and sabotage.'[49]

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7. Types and rates of crime

7.1.1 Referring to the situation in federal Iraq, the June 2022 EUAA report stated: 'Organised crime continues to be a significant problem. Individuals, militias, and criminal groups have been involved in abductions and kidnappings for extortion or political purposes.'[50]

[45] FPRI, Peshmerga Reforms: Navigating Challenges, Forging Unity, 31 October 2023
[46] EUAA, Iraq - Security Situation (Pages 35-36), 28 May 2024
[47] CIA, World Factbook: Iraq (Military and Security), updated 10 June 2025
[48] EUAA, Country Guidance: Iraq (Section 1.3), 29 June 2022
[49] DFAT, Country Information Report Iraq (Section 5.10), 16 January 2023
[50] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022

7.1.2 The January 2023 DFAT report stated:

'Violent crime is common, including kidnapping, murder and robbery. Other serious crime includes drug and people trafficking, prostitution and illegal organ harvesting. Organised criminal gangs, militias and armed tribal groups are significant threats.

'… Although the KRI is generally regarded as a less dangerous security environment than other parts of Iraq, it is still affected by high levels of violent crime, including kidnappings, murders, robberies and so-called 'honour' killings.'[51]

7.1.3 The OSAC report, updated in July 2024, stated:

'Crime and lawlessness remain a serious threat throughout the country. In Baghdad, organized crime, uncontrolled militia activity, and corruption remain formidable obstacles to free enterprise and business.

'… Crime statistics and/or crime reporting mechanisms in the IKR are unreliable relative to U.S. crime-data collection methods … Informally, IKR officials have commented that property thefts and thefts from residences have risen in the past several years... Most homicides committed in the IKR were related to family or tribal disputes… The most common type of violent crime in Erbil and the surrounding area is clashes between families or tribes involving firearms. The number of shootings reported by the police shootings in 2023 was 60 ... Burglary against offices and businesses is more common than burglary from residences.

'… Kidnappings for political or monetary gain are common throughout Iraq… Most kidnappings in Erbil are related to family and tribal disputes.

'… Drug use and cross border drug trafficking are becoming more serious concerns… The IKR has seen an increase in drug trafficking and use. Government officials reported seizing two tons and 708 Kilograms of illicit drugs in 2023.'[52]

7.1.4 In September 2023, the Global Initiative Against Transnational Organized Crime (GITOC) published its 2023 Global Organized Crime Index (September 2023 GITOC index). The report, the latest iteration at the time of writing, indicated that Iraq has very high levels of organised crime and relatively poor resilience against organised crime. Out of 193 countries, the index rated Iraq 8th in the world for 'Criminality' and 163rd for 'Resilience'.[53] The report's methodology section stated: 'Resilience scores are created by taking the average of 12 resilience indicators. These indicators represent the political, legal, economic and social spheres of society that when taken together, have the potential to provide holistic and effective responses to organized crime… the higher the resilience score a country has, the more effective its response measures are to organised crime.' [54] See the full report for a summary of the different types of criminality and the actors involved, as well as an overview of the reasons why the state's resilience to organised crime is low.

7.1.5 The same source also stated: '[T]he country is facing a growing problem of

[51] DFAT, Country Information Report Iraq (Sections 2.24-2.25), 16 January 2023
[52] OSAC, Iraq Country Security Report (Pages 1-4), last updated 8 July 2024
[53] GITOC, Global Organized Crime Index: Iraq, 26 September 2023
[54] GITOC, About the Index (Index composition), no date

extortion and protection racketeering, with militias and other criminal actors believed to be involved. These groups exploit their territorial dominance by extorting money from residents in the areas under their control.'[55]

7.1.6 Commenting on the proliferation of weapons, the January 2023 DFAT report stated: 'Gun violence is common throughout Iraq. Gun ownership is among the highest in the world, and most households own at least one firearm. The ubiquity of weapons and a strong "honour" culture mean minor disputes often rapidly deteriorate into violence, including murder.'[56]

7.1.7 The September 2023 GITOC index stated: 'Arms trafficking is a critical issue in Iraq … An increasing number of Iraqi and Kurdish citizens possess firearms, mainly for perceived self-defence against theft and clan-based violence.'[57]

7.1.8 In January 2024, Iraqi news outlet[58] Shafaq News published an article entitled 'Iraq cracks down on unlicensed weapons with "buyback" scheme' which stated:

'Iraq is home to one of the fastest-growing arms market [sic] in the world, a concerning share of which is falling into the hands of organized crime groups, driven by conflict as well as fuelling it. Meanwhile, ongoing regional instability and governments [sic] failure to address people's security needs are driving civilians to the illicit arms market for self-protection… In Iraq where the authorities have failed to reduce robbery and clan disputes over the past years, so-called "house guns" and [sic] becoming increasingly popular. According to the Small Arms Survey, nearly 20 per cent of Iraq's population owned a gun in 2021.'[59]

7.1.9 In March 2025, Shafaq News published an article entitled 'Human Rights Official: Iraq's crime rate drops 15% in 2024, violent crimes down 20%' which stated:

'"The latest crime indicators from the Interior Ministry show a 20% decrease in violent crimes, including murder and serious assaults," said Fadel Al-Gharawi, head of the center [the Strategic Center for Human Rights in Iraq – CPIT was unable to find a website or any information on this organisation], in a report on Wednesday [12 March 2025].

'The data showed a 22% drop in homicides, with 1,200 cases recorded in 2024 compared to 1,540 in 2023. Serious assaults also fell 18%, with 3,500 reported cases versus 4,270 the previous year.

'Theft-related crimes also saw a decline. Home burglaries dropped 10%, with 8,000 cases recorded, down from 8,900 in 2023. Car thefts decreased by 14%, with 5,500 reported cases compared to 6,400 last year.

'Drug-related offenses also declined, with trafficking cases falling 18% to 2,500 in 2024 from 3,050 a year earlier. Drug use cases dropped 15%, with 4,000 cases recorded compared to 4,700 in 2023.'[60]

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[55] GITOC, Global Organized Crime Index: Iraq (Page 3), 26 September 2023
[56] DFAT, Country Information Report Iraq (Section 2.25), 16 January 2023
[57] GITOC, Global Organized Crime Index: Iraq (Page 3), 26 September 2023
[58] LinkedIn, Shafaq News, no date
[59] Shafaq News, Iraq cracks down on unlicensed weapons with…, 17 January 2024
[60] Shafaq News, Human Rights Official: Iraq's crime rate drops 15% … 12 March 2025

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8. Effectiveness of security forces

8.1 General

8.1.1 The September 2023 GITOC index stated:

'Iraq has a wide variety of national policies and laws targeting organized crime, although it is unclear to what extent such measures have been effective. There tends to be a disparity between the country's legal framework and the capacity of state security forces to enforce these laws, in addition to facing structural challenges such as corruption and limited funds.

'… Lack of funding, the outsourcing of security functions and widespread corruption continue to undermine law enforcement capacity to fight organized crime and establish countrywide security. Although some parts of the country, such as Iraqi Kurdistan, are relatively secure, in remote areas such as desert regions local police roles have diminished and have been largely replaced by local militias and tribal powers.'[61]

8.1.2 See also Tribal justice system and Corruption.

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8.2 Effectiveness of security forces in Federal Iraq

8.2.1 In February 2022, the Water, Peace and Security (WPS) partnership, which aims to 'develop innovative tools and services that help local stakeholders identify, understand and address water-related security risks'[62], published a paper entitled 'Water challenges and conflict dynamics in southern Iraq' which stated:

'Criminal groups and tribal networks often have ties to state-embedded actors that may be from the same tribe and support its efforts, hindering concrete efforts to combat criminal activity. The integration of tribal and criminal networks has made it more difficult and dangerous for provincial authorities, and the central Iraqi government, to address. Security officers have been threatened by criminal groups, including tribes whose members are affiliated with gangs, in the past.'[63]

8.2.2 In March 2022, UAE-based 'independent think tank'[64] the Emirates Policy Center (EPC) published a paper entitled 'Tribes of Basra: The Political, Social, and Security Issues' which stated: 'Some local police forces are either connected to tribes or involved in corruption, or are reluctant to take any risk. Police officers and their families are regularly threatened, and some clans own a much more formidable arsenal than security forces.'[65]

8.2.3 The June 2022 EUAA report stated:

'The ISF maintain a significant presence in most major urban centres to limit terrorist, insurgent, and militia activity. Despite merging forces under the ISF to fight against ISIL, inter-institutional rivalry and competition cause tension in the relationship between the ISF, PMF, Peshmerga, Sunni PMF and local

[61] GITOC, Global Organized Crime Index: Iraq (Pages 5-6), 26 September 2023
[62] WPS, About WPS, no date
[63] WPS, Water challenges and conflict dynamics in Southern Iraq, 17 February 2022 (Page 30)
[64] EPC, About us, no date
[65] EPC, Tribes of Basra…, 29 March 2022

tribal forces.

'… Police and military units in Baghdad are described as having the ability to respond to security incidents, terrorist attacks and criminal activities, although response and capabilities of the responding authorities vary considerably. In some areas, police perform well, while in others the police are not efficient in responding to crime. Iraqi police and law enforcement officials reportedly 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.'[66]

8.2.4 The January 2023 DFAT report stated:

'The ISF is a congested and contested space with security forces competing for power and relevance, leading to a cross over and blurring of roles and responsibilities and creating the conditions for corruption and instability.

'… Some IAF [Iraqi Armed Forces] units are reportedly well-resourced and effective, in particular counterterrorism units trained and funded by the US-led coalition forces. In general, however, conditions and effectiveness in the IAF are very poor. There is reportedly little understanding of international humanitarian law among IAF forces, including senior officers.'[67]

8.2.5 The same source also stated:

'The Iraqi Police is generally underfunded and poorly equipped. According to surveys, one-third of Iraqis report having paid a bribe to the police. Many police officers moonlight in other occupations, including as PMF members. Deficiencies in training and resources mean police are often unable to carry out normal policing functions beyond staffing checkpoints and directing traffic. Being a police officer in Iraq is very dangerous: an estimated 14,000 Iraqi police have been killed in the line of duty since 2003.'[68]

8.2.6 The OSAC report, updated in July 2024, stated:

'The country's regular armed forces and domestic law enforcement bodies struggled to maintain order within the country… Iraqi police do not meet U.S. or Western standards. ISF maintains a large presence in most major urban areas to limit potential terrorist, insurgent, and militia activity, though they have a limited ability to respond to security incidents, terrorist attacks, and criminal activities. Response times and capabilities may vary wildly. There are many permanent, manned checkpoints in and around major cities. Temporary checkpoints often appear without advance notice.'[69]

8.2.7 Commenting on the weakness of law enforcement in federal Iraq, the January 2024 UNHCR report stated: 'The ISF, including the local police, continue to be themselves a target of attacks by armed actors, weakening their ability to provide protection to civilians. "Rampant" corruption further undermines the functioning of law enforcement agencies.'[70]

8.2.8 See also Security forces in federal Iraq.

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[66] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[67] DFAT, 'Country Information Report Iraq (Sections 5.2 and 5.4), 16 January 2023
[68] DFAT, Country Information Report Iraq (Section 5.8), 16 January 2023
[69] OSAC, Iraq Country Security Report (Page 8), updated 8 July 2024
[70] UNHCR, International Protection Considerations… (Page 62), 30 January 2024

8.3 Effectiveness of security forces in the KRI

8.3.1 The August 2022 KCIL report stated: 'In the KRI, the political parties in power govern all governmental affairs on the basis of a partisan system. Because of this, laws are sometimes enacted, interpreted and implemented based on individual party and political issues. This leads to the restriction of the fundamental rights and freedoms of citizens.'[71]

8.3.2 The January 2023 DFAT report stated: 'The Peshmerga is generally viewed as a highly competent military force and played an important role in the military victory over Da'esh.'[72]

8.3.3 The January 2024 UNCHR report stated:

'Power in the KR-I is largely divided between the two dominant parties, the Erbil-based KDP [Kurdistan Democratic Party] and the Sulaymaniyah-based PUK [Patriotic Union of Kurdistan]. The region's armed forces (Peshmerga), security, counter-terrorism and intelligence agencies are reported to remain under the political influence of the two parties and/or powerful party officials as the political divide slowed down efforts to unify the regions' forces. Effective governance of the KRG institutions is reported to be further compromised by the prevalence of political infighting, corruption and nepotism based on family, tribal and party affiliation. This nepotism extends also to businesses, media organizations, NGOs and in various other sectors.'[73]

8.3.4 The OSAC report, updated in July 2024, stated:

'Kurdish police and security services are out in adequate numbers… KRG police and military units can respond quickly to security incidents, terrorist attacks, and criminal activities. KRG police and security services have sufficient training and command and control to direct their officers where required and have modern weapons and security equipment. Specialized units, such as tactical response and explosive ordinance disposal teams, have enhanced training and equipment.'[74]

It should be noted that the OSAC report is aimed at assessing the risk to staff of US companies operating in Iraq. Its assessment of the effectiveness of KRG security forces is therefore primarily about their ability and willingness to respond to incidents targeting westerners living and working in the KRI.

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9. Human rights abuses by security forces

9.1 General

9.1.1 The January 2023 DFAT report stated:

'There are consistent and credible reports of torture in Iraq, including by government forces and Popular Mobilisation Forces. Methods include beatings, stress positions, electric shocks, burns, and sexual humiliation. Sunni men and boys are particularly targeted on the basis of their perceived

[71] KCIL, Obstacles, Limitations and Challenges… (Page 99), August 2022
[72] DFAT, Country Information Report Iraq (Section 5.11), 16 January 2023
[73] UNHCR, International Protection Considerations… (Page 64), 30 January 2024
[74] OSAC, Iraq Country Security Report (Page 9), updated 8 July 2024

affiliation with Da'esh. Torture takes place during arrest, pre-trial detention and after conviction. It occurs in facilities run by the Ministry of Interior, the Ministry of Defence and those under KRG control, as well as facilities operated by PMFs. Although the law forbids the use of torture to obtain confessions, courts routinely accept forced confessions as evidence and ignore allegations of torture when raised.

'… Government forces frequently arrest suspects, without warrants, in security sweeps, particularly under the anti-terrorism law. People detained during these sweeps are often held for long periods without charge. Security forces including Popular Mobilisation Forces have also arbitrarily arrested and detained protesters, particularly in relation to the Tishreen protest movement… Authorities often do not inform detainees of the reasons for their detention or notify family members of their arrest or location, in some cases amounting to Enforced or involuntary disappearances.

'According to the US Department of State, most reports of arbitrary or unlawful detention involve Sunni Arabs, particularly those with a perceived affiliation to Da'esh. There are also reports of Iranian-aligned militias arbitrarily arresting or detaining Kurds and Turkmen in Kirkuk, and Christians and other minorities in western Ninewah and the Ninewah Plains. Prisoners in the Kurdistan Region of Iraq are often held for extensive periods in pretrial detention. There are reports of prisoners being held for a long time after court orders were already issued for their release.'[75]

9.1.2 In March 2023, Freedom House published a report entitled 'Freedom in the World 2023', covering the year 2022 (March 2023 Freedom House report). The section on Iraq stated: 'The use of torture to obtain confessions is widespread across Iraq and Iraqi Kurdistan, including that of children, and even in death penalty cases. Detainees are often held in harsh, overcrowded conditions, and forced disappearances, particularly of suspected IS fighters, have been reported.'[76]

9.1.3 The January 2024 UNHCR report stated:

'Despite the Federal and KRG authorities' stated commitment to upholding their national and international human rights obligations, the environment for the protection of human rights remains fragile.

'… Even where the legal framework provides for the protection of human rights, the implementation of Iraq's commitments under national and international law to promote and protect these rights in practice frequently remains a challenge, and both State and non-State actors commit human rights violations and abuses with impunity... [K]ey challenges include the lack of appropriate legal frameworks to prosecute international crimes; the commission of human rights violations by State actors tasked with protecting human rights; as well as deficiencies, corruption and outside interference in law enforcement and criminal justice.'[77]

9.1.4 The April 2024 USSD report stated:

'Local media and human rights groups reported authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law,

[75] DFAT, Country Information Report Iraq (Sections 4.6-4.8), 16 January 2023
[76] Freedom House, Freedom in the World 2023: Iraq (Section F), 9 March 2023
[77] UNHCR, International Protection Considerations… (Pages 45 and 58), 30 January 2024

and frequently held such detainees for prolonged periods without charge or registration. The government periodically released detainees, usually after concluding it lacked sufficient evidence for the courts to convict them, but many others remained in detention pending review of other outstanding charges… Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law.

'… There were numerous reports of arbitrary arrest or unlawful detention by government forces, including by ISF, NSS, PMF, and Asayish security forces. There were no reliable statistics available regarding the total number of such acts or the length of detentions. Authorities reportedly often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention if not enforced disappearance.

'… According to NGOs, the high number of pretrial detentions was the result of a serious backlog in court hearings, which resulted from several factors, including the large number of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges and trained judicial personnel, authorities' inability or reluctance to use bail or other conditions of release, a lack of information sharing, bribery, and corruption.

'… The federal constitution and law prohibited [arbitrary or unlawful interference with privacy, family, home, or correspondence], but there were numerous reports the government failed to respect these prohibitions. Government forces often entered homes without judicial or other appropriate authorization.

'… Lengthy pretrial detentions were a systemic problem and frequently equaled or exceeded the maximum penalty for the alleged crime without due process or judicial review, particularly for those accused of having ties to ISIS.

'… Lengthy pretrial detentions were particularly common in areas liberated from ISIS, where the large number of ISIS-related detainees and use of makeshift facilities led to significant overcrowding and inadequate services. There were reports of detention beyond judicial release dates and unlawful releases. Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado or without access to defense counsel, presentation before a judge, or arraignment on formal charges within the legally mandated period. Prison and detention center authorities also sometimes delayed the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic problems, or extorted bribes from prisoners prior to their release at the end of their sentences.

'… Torture in jails, detention facilities, and prisons was often hidden from effective legal oversight. The law did not define what types of conduct constituted torture and gave judges full discretion to determine whether a defendant's confession was admissible, often without regard for the way it was obtained.

'… The government and the KRG [Kurdistan Regional Government] sometimes restricted the access of UNAMI and other international organizations to

sensitive locations, such as Ministry of Interior-run detention facilities holding detainees suspected of terrorism.

'… In September [2023], Musab al-Alusi, a fellow at the Gulf International Forum, reported authorities kept inmates in detention for long periods before their sentences were issued, and security guards exposed detainees to various types of torture. He added that militias, political parties, tribal factions, and other factions maintained dozens of "secret detention facilities" where they practiced systemic torture.'[78]

9.1.5 In April 2024, Amnesty International published its 'State of the World's Human Rights' report, covering the year 2023 [April 2024 Amnesty International report]. The section on Iraq stated: 'Security forces continued to forcibly disappear men and boys, and the fate of thousands of Iraqis who were subjected to enforced disappearance in previous years remained unknown.'[79]

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9.2 Federal Iraq

9.2.1 The June 2022 EUAA report stated:

'It is reported that [PMF] militia members enforce public morals, punishing, for example, persons who drink alcohol, gamble or hire prostitutes. PMF have also been engaged in criminal activities and other abuses against civilians. Forced displacement, evictions, arrests, looting of homes, demolition of houses, threats, sexual abuse, harassment and discrimination by PMF and local militias were also reported.'[80]

9.2.2 The January 2023 DFAT report stated:

'Human rights groups have regularly issued reports of ISF officers committing human rights abuses, including conducting arbitrary or unlawful detention, enforced disappearances, and abusing and torturing individuals during arrest, pre-trial detention and after conviction... Human rights observers report that police frequently physically abuse detainees in police stations, driven in large part by pressure to produce results in the confession-based judicial system… Sources told DFAT that human rights abuses by IAF forces were 'likely widespread', particularly in counter-terrorism operations.'[81]

9.2.3 The January 2024 UNCHR report stated:

'Arbitrary arrests remain common, mostly for suspicions of Da'esh affiliation under the Anti-Terrorism Law of 2005, and occur frequently at checkpoints, during house searches and military operations. Various security agencies are reported to be involved in arbitrary arrests and detention, including the Federal Police, the National Security Service (NSS), and various PMF factions. At times, family members are arrested in lieu of wanted persons.

'Persons of other profiles, including in particular journalists and media professionals, civil society activists, human rights defenders and others perceived to be critical of the government are also subjected to arbitrary

[78] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Sections 1-5), 23 April 2024
[79] Amnesty International, The State of the World's Human Rights… (Page 206), 24 April 2024
[80] EUAA, Country Guidance: Iraq (Section 1.2), 29 June 2022
[81] DFAT, Country Information Report Iraq (Sections 5.3, 5.4, 5.9), 16 January 2023

arrest and detention, including under the 2005 Anti-Terrorism Law. PMF factions are also reported to arbitrarily arrest and detain members of ethnic and religious minority groups in Ninewa Governorate.

'Deficiencies in the coordination among the multiple judicial authorities and security actors, and a lack of a single centralized register of persons deprived of their liberty are reported to lead in some cases to the re-arrest of persons previously cleared of terrorism charges or who had already served a sentence. Similarly, the release of some detainees following their exoneration was reportedly delayed due to administrative issues or in order to secure a bribe.

'… There are "persistent allegations to the existence" of secret detention facilities, including to hold suspected Da'esh affiliates without due process or judicial review.

'… Despite legal safeguards to prevent torture, the use of torture and other forms of ill-treatment, including against children, has been described as widespread across the country, particularly during arrest and in pre-trial detention. Sexual harassment, exploitation and abuse of men, women, boys and girls in custody have also been alleged. Mostly, torture and other forms of ill-treatment are used during interrogations to elicit confessions such as admitting to Da'esh membership. Prisoners on death row are reported to be subjected to torture and other forms of ill-treatment, including false announcements of their impending execution. Deaths in detention as a result of torture and lack of medical care have been reported.'[82]

9.2.4 Amnesty's April 2024 report claimed 'Iraqi security and intelligence forces, including the PMU, continued to forcibly disappear men and boys taken from checkpoints, homes and streets. Human rights organizations and activists in a number of governorates, notably Salah al-Din, Anbar, Ninewa and Basra, continued to report instances of enforced disappearances at the hands of factions of the PMU that had a presence in these areas.'[83]

9.2.5 The April 2024 USSD report stated:

'[T]here were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including internally displaced persons (IDPs).

'… There were several reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings.

'… Human rights organizations reported that Iran-aligned PMF militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed provinces.

'…There were frequent reports of enforced disappearances by or on behalf of government forces, including the ISF and the PMF, as well as non-PMF militias and criminal groups.

'… [T]here were credible reports that government officials employed [torture and forced confessions] … The law did not provide the legal framework and procedural safeguards to prevent torture… Numerous reports from local and international nongovernmental organizations (NGOs) indicated government officials employed torture and other cruel, inhuman, or degrading treatment or

[82] UNHCR, International Protection Considerations… (Pages 46-50), 30 January 2024
[83] Amnesty International, The State of the World's Human Rights… (Page 207), 24 April 2024

punishment.

'… There were credible reports government forces, including Federal Police, the National Security Service (NSS), and the PMF, abused and tortured individuals – particularly Sunni Arabs – during arrest and pretrial detention and after conviction. Former prisoners, detainees, and international human rights organizations documented cases of torture and other cruel, inhuman, or degrading treatment or punishment… in detention facilities run by the Ministry of Interior and, to a lesser extent, by the Ministry of Defense. According to government forensics officials, some victims showed signs of extensive beatings, including bone fractures. Local NGOs reported deaths at pretrial detention facilities, deportation prisons, and prisons due to the continuation of systemic torture and the poor conditions in detention centers [see Prison conditions].

'… In September [2023], local media reported the stories of six former detainees who spoke of abuse and lengthy pretrial detention in prisons run by the Ministry of Justice, citing that some detainees were forced to pay bribes to receive a trial date and avoid up to three years in pretrial detention.

'… In September [2023], the Gulf International Forum stated some detainees remained in custody for months or years before rulings were issued, while others remained in detention without charges ever being brought against them. According to observers, the state and individuals brought charges against 28,000 detainees, while 29,000 others were still awaiting charges.

'… Humanitarian organizations also reported that, in many instances, federal authorities did not inform detainees of the reasons for their detention or the charges against them. Many reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members.

'… Local human rights activists…reported PMF units sometimes detained persons without warrant.

'… Government forces, particularly certain PMF groups, targeted members of ethnic and religious minority groups, as did the remaining active ISIS fighters. Some government forces, including PMF units, forcibly displaced individuals due to perceived ISIS affiliation or for ethnosectarian reasons.'[84]

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9.3 Accountability in federal Iraq

9.3.1 In November 2022, Human Rights Watch (HRW) published a report entitled 'To Sleep the Law: Violence Against Protesters and Unaccountable Perpetrators in Iraq', which aimed to assess 'progress towards accountability for the killing and injuring of protesters and activists committed during, and in the wake of, the 2019-2020 uprising across central and southern Iraq'[85]. The report stated:

'Evidence from victims and their families suggests that despite initial interest among Iraqi authorities in determining the facts of incidents and crimes, in particular the assassinations of activists, there is little to no follow-up by police or the judiciary to achieve accountability within Iraq's legal system.

[84] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Sections 1-6), 23 April 2024
[85] HRW, To Sleep the Law…, 29 November 2022

'… Part of the reason why legal accountability for this violence goes virtually nowhere is that state security actors are themselves implicated in the very incidents they should be investigating.

'… Iraqi authorities have not entirely ignored the individuals and families directly impacted by violence against activists and protesters. Where legal justice has rarely been achieved in both high-profile cases and those far-lesser-known, Iraqi authorities have used financial compensation as a form of redress for families who have had relatives killed in connection with protests. But this process, commendable for offering some restitution, has fallen far short of assisting thousands of injured protesters.'[86]

9.3.2 The January 2023 DFAT report stated:

'Officials have undertaken investigations into abuses perpetrated by the ISF, including a ministerial investigation of their actions in relation to the protests that began in October 2019. The government rarely punishes those responsible.

'… Police are almost never held to account for these abuses [arbitrary detention, beatings and torture].'[87]

9.3.3 The January 2024 UNHCR report stated:

'In relation to human rights violations and abuses involving government officials, the ISF and PMF factions operating outside State control, the government is reported to have taken limited steps to protect its citizens, and to investigate and hold to account those found to be responsible. Moreover, those seeking accountability have been subjected to threats, abduction and extra-judicial killing. In light of decades of enforced disappearances in Iraq, including during the fight against Da'esh and the Tishreen protests, the UN Committee on Enforced Disappearances (CED) in March 2023 called on the Iraqi Government to establish a comprehensive search and investigation strategy for such cases and to eradicate impunity. A draft "Missing Persons Law" was submitted to the CoR in August 2023; however, it "does not criminalize enforced disappearance or outline penalties for perpetrators."

'The authorities' failure to credibly investigate and address violations of the rule of law and incidents of torture and deaths in detention is reported to perpetuate a climate of impunity for these human rights violations.

'Iraq's national human rights institution, the IHCHR [Iraqi High Commission for Human Rights], is mandated to receive and investigate human rights complaints from individuals, groups and civil society organizations. The IHCHR's functioning has been undermined by the failure to appoint new commissioners after the expiration of the IHCHR commissioners' mandate in July 2021. In addition, the IHCHR has come under pressure from political actors, as evidenced in February 2022, when a legal complaint was filed against former IHCHR Commissioner Dr Ali Al-Bayati following comments he made during his tenure regarding the alleged use of torture by the Anti-Corruption Committee. Staff from the IHCHR also reported intimidation after researching violence against protestors. According to observers, in September 2023 the IHCHR's independence was further undermined by the Government's decision to put the Commission's administration and financial

[86] HRW, To Sleep the Law…, 29 November 2022
[87] DFAT, Country Information Report Iraq (Sections 5.3 and 5.9), 16 January 2023

affairs under the purview of the Minister of Justice.'[88]

9.3.4 The same source also stated:

'PMF factions are also reported to carry out violent attacks against government officials and party members if they criticize these factions or are affiliated with political rivals, including those affiliated with the former Government of Prime Minister Al-Kadhimi. Forced closures of and attacks on rival party offices have also been reported. Anti-corruption, law enforcement and judicial officials engaged in combatting illegal practices such as unlawful killings, corruption and/or criminal activities involving those with links to armed factions are also at risk of being targeted by those involved in such practices.'[89]

9.3.5 In March 2024, the Bertelsmann Transformation Index (BTI), which 'analyzes and compares transformation processes towards democracy and inclusive market economy worldwide'[90], published its '2024 Country Report – Iraq', covering the period 01 February 2021 to 31 January 2023 (March 2024 BTI report). The report stated: ''In response to the October 2019 protests, an increasing number of public officials and politicians have faced prosecution for alleged office abuse, particularly under former Prime Minister Mustafa al-Kadhimi.'[91]

9.3.6 The April 2024 Amnesty International report stated:

'Iraqi authorities took no meaningful steps to bring to justice members of security forces and state-affiliated militias involved in the violent crackdown on the nationwide October 2019 protests (also known as the Tishreen protests), despite the establishment of several investigative and fact-finding committees.

'… In April [2023], a letter from the Prime Minister's Office to Amnesty International outlined measures taken by the Fact-Finding Committee, established in October 2020 and reactivated in November 2022, to commence reaching out to representatives of the Tishreen protesters. The office said the committee had investigated more than 215 cases obtained from a Baghdad court and reviewed thousands of medical reports, victim autopsy forms and reports of forensic experts. It added that reparations had been paid to the families of those killed, amounting to IQD 10 million (about USD 7,650) [5,885 GBP[92]] for each victim. However, the committee were yet to publish any findings. Activists, protesters and families of those injured or killed also raised concerns about accessing reparations, including the requirement of medical documents that most of the injured could not obtain during the protests.

'… In April, the UN Committee on Enforced Disappearances estimated that 250,000 to 1 million individuals had been forcibly disappeared in Iraq since 1968 and urged Iraq to criminalize the practice. In response, on 6 August Iraqi authorities presented their draft law on missing persons to parliament, which had the stated aim of helping relatives learn the fate of their missing family members and be given access to reparations, including by setting up

[88] UNHCR, International Protection Considerations… (Pages 60-62), 30 January 2024
[89] UNHCR, International Protection Considerations… (Page 118), 30 January 2024
[90] BTI, Who We Are, no date
[91] BTI, 2024 Country Report – Iraq (Page 13), 19 March 2024
[92] Xe.com, Convert Iraqi Dinars to British Pounds, accessed 21 August 2024

a national commission for the missing. However, the latest draft seen by Amnesty International failed to criminalize enforced disappearances or outline penalties for perpetrators.'[93]

9.3.7 The April 2024 USSD report stated:

'Federal Police…[and] the PMF…operated without accountability.

'… The government took incremental steps to bring to justice those responsible for extrajudicial killings. For example, on June 25 [2023], the Dhi Qar Criminal Court issued a life sentence for Lieutenant Colonel Omar Nazar of the Ministry of Interior Emergency Response Division for suppressing demonstrations in 2019 that led to at least 25 deaths and injured 200 others.

'… The Head of the NGO Strategic Center for Human Rights, Fadel al-Gharawi, noted in November 2022 that the Prime Minister's Office had created a committee to receive complaints of torture in prisons. No information was publicly available regarding the committee's work or the number of complaints it had received at year's end. In August [2023], the Ministry of Justice announced an investigation into a video clip posted on social media purporting to show a prisoner who was tortured to death inside the Taji central prison north of Baghdad.

'… Federal Corrections Service prisons allowed regular visits by independent nongovernmental observers. The Ministry of Justice reported 68 visits to adult correctional facilities and 23 visits to juvenile correctional facilities.

'The Gulf International Forum stated the Ministry of Justice not only prevented human rights organizations from visiting prisons but also refused to reveal the conditions of prisoners.

'The law provided for the Independent High Commission for Human Rights' financial and administrative independence and assigned it broad authority to investigate complaints of human rights abuses, initiate lawsuits related to violations of human rights law, and conduct assessments of detention centers and prisons. Some observers reported the commissioners' individual and partisan political agendas largely stalled the commission's work, thereby limiting its independence and effectiveness.

'… In May [2023], the former head of the anti-corruption "Committee 29" General Abu Ragheef was arrested and detained following an "explicit directive" from the interior minister amid allegations of corruption and inhuman practices. Beginning in 2021, detainees disclosed to officials allegations of torture by Committee 29 to obtain confessions. In June, the prime minister approved the recommendations of a special investigative committee to hand over the investigative documents of Committee 29 to the judiciary to ensure accountability.

'… In July [2023], the government filed charges against 14 persons, including prominent security officials from a 2020 anti-corruption campaign, for human rights violations including the torture of detainees.'[94]

9.3.8 The OSAC report, updated in July 2024, stated:

'Federal civilian authorities did not maintain effective control over some elements of the security forces, particularly certain Iran-aligned Popular

[93] Amnesty International, The State of the World's Human Rights… (Pages 206-207), 24 April 2024
[94] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Sections 1-5), 23 April 2024

Mobilization Force units and the Popular Mobilization Committee. Poorly defined administrative boundaries and disputed territories between the Iraqi Kurdistan Region and the central government led to confusion over the jurisdiction of security forces and the courts. Members of the security forces committed numerous documented abuses.'[95]

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9.4 KRI

9.4.1 The January 2023 DFAT report stated:

'Human rights observers report that Asayish generally acts with impunity in the KRI. Human rights groups have regularly issued reports of Asayish forces committing human rights abuses, including arbitrary detention, enforced disappearances and torture (particularly of Sunni Arabs) during arrest, pre-trial detention and after conviction.

'… Human rights groups have regularly issued reports of Peshmerga forces committing human rights abuses, including conducting arbitrary or unlawful detention and conducting enforced disappearances.'[96]

9.4.2 The January 2024 UNHCR report stated:

'The Asayish (internal security forces) are reported to arbitrarily arrest and detain persons who criticize the local or regional authorities, or others with political influence in the KR-I, including journalists and other media professionals, members of rival or opposition political parties, civil society activists and protestors.

'Reports indicate that detainees are regularly held in prolonged pre-trial detention by the security forces without timely review of their arrest and detention by a competent judge. Individuals have been held in conditions amounting to incommunicado detention. In some cases, detainees are held for extended periods even after a court ordered their release. Interrogations are conducted by security services generally without the presence of defence lawyers, despite constitutional guarantees. Detainees are subjected to punishments such as solitary confinement, banning visits or reducing recreation time.

'During the initial investigation, family members are not regularly informed about their relatives' whereabouts, and/or face restrictions to visit or communicate with them. Family members of detainees have in some cases been harassed and intimidated by security forces.

'… Torture and ill-treatment have been documented, primarily in facilities run by the Asayish. Reports allege that persons detained in connection with protests have been forced to confess to crimes under physical and psychological torture.

'Procedural safeguards to prevent torture or ill-treatment in custody are not respected. There are often no mechanisms for reporting torture other than raising its occurrence within trial proceedings; however, judges have dismissed claims that confessions were obtained under torture. On 28 February 2021, the Asayish filed a lawsuit against a convicted defendant for defamation because he had claimed at trial that his confession was obtained

[95] OSAC, Iraq Country Security Report (Page 9), updated 8 July 2024
[96] DFAT, Country Information Report Iraq (Sections 5.10-5.11), 16 January 2023

through torture.

'There are reports of torture used against juvenile detainees and the law allows for children to be held up to seven days in solitary confinement.'[97]

9.4.3 The April 2024 USSD report stated:

'Human rights organizations, activists, and journalists reported frequently that KRG authorities arbitrarily detained journalists, activists, and protesters. Those detained maintained they were not informed of the charges against them and were eventually released without charge, with some reporting mistreatment during detention. In August [2023], KRG Asayish intelligence agents arrested journalist Islam Kashani in Zakho after Kashani criticized the KRG's alleged corruption and mismanagement of public salaries. He was released two days later, but according to local media reports, authorities did not present a warrant for Kashani's arrest even though they raided his home after his detention.

'… NGOs reported KRG authorities held detainees for extensive periods in pretrial detention. KRG officials noted prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and trials were unnecessarily delayed for administrative reasons. According to the IHRCKR [Independent Human Rights Commission Kurdistan Region], some detainees remained in KRG internal security service facilities for extended periods even after court orders were issued for their release. Lawyers provided by an international NGO continued to have access to and provide representation to allegedly ISIS-affiliated juveniles who lacked a court-appointed attorney and all unrepresented juveniles in the IKR.'[98]

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9.5 Accountability in the KRI

9.5.1 The January 2024 UNHCR report stated: 'Impunity for human rights violations remains widespread, including in respect to those committed against government critics, protestors, activists and journalists. KRG courts have also not prosecuted or convicted Kurdish forces of any violations of international humanitarian law or human rights law perpetrated during the conflict with Da'esh.'[99]

9.5.2 The April 2024 USSD report stated:

'[C]ertain units of the KRG Asayish internal security services operated without accountability.

'… KRG officials reported detention facilities in the IKR were monitored by the ICRC [International Committee of the Red Cross] and the United Nations Assistance Mission for Iraq (UNAMI) and that detainees could report cases of torture through the prison administration, the public prosecutor, or human rights organizations. Despite concerns being raised, authorities ignored physical signs of torture, and the complaints procedures appeared to be neither fair nor effective. Many detainees chose not to report mistreatment due to a lack of trust in authorities or fear of reprisals.'[100]

[97] UNHCR, International Protection Considerations… (Pages 53-55), 30 January 2024
[98] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 1), 23 April 2024
[99] UNHCR, International Protection Considerations… (Page 65), 30 January 2024
[100] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 1), 23 April 2024

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10. State justice system

10.1 Overview

10.1.1 The January 2023 DFAT report stated: 'The criminal justice system in Iraq is weak. Lack of resources and training, low forensic capacity, a paucity of reliable or impartial evidence, and over-reliance on confessions that are often gained through torture all contribute to frequent miscarriages of justice.'[101]

10.1.2 The September 2023 GITOC index stated:

'Rampant corruption and nepotism threaten criminal justice and security in Iraq. The country's criminal procedures are outdated, riddled with corruption and lack modern investigation techniques, leading to overloaded courts and long waiting times. The judicial system is overburdened, and its efficacy is hindered by corruption, a lack of political independence, limited institutional cooperation, long delays and a lack of enforcement regarding both penalties and investigations into criminal activity. The lack of judges, lawyers and prosecutors hinders the ability to combat organized crime, with many judges being threatened or killed by criminal groups.'[102]

10.1.3 Commenting on the justice system in federal Iraq, the January 2024 UNHCR report stated:

'The criminal justice system is reported to be weak and understaffed, and does not meet international and domestic legal obligations in relation to arrest and detention, due process and fair trial standards. The rule of law is reported to be compromised by the actual and perceived corruption in the judiciary. The impartiality and independence of the judiciary is undermined by nepotism and pressure from the executive branch, political parties, armed groups and tribes, as well as threats, intimidation and attacks against judges, prosecutors, lawyers and, in some cases, their family members. The judiciary is also reported to be complicit in politically motivated criminal prosecutions of the government and the ISF. Due to a lack of trust in the effectiveness of the formal justice system, many Iraqis are reported to turn to tribal conflict resolution mechanisms.'[103] See Tribal justice system.

10.1.4 Commenting on the justice system in the KRI, the same source stated: 'The criminal justice system is reported to be weak and does not meet international and domestic legal obligations in relation to arrest, detention and fair trial standards. Trials are reportedly prone to undue political influence, undermining judicial independence, and perpetrators affiliated with the political or security elite often enjoy impunity.'[104]

10.1.5 In February 2024, Freedom House published its 'Freedom in the World 2024', covering the year 2023 (February 2024 Freedom House report). The report noted that 'Criminal proceedings in Iraq are deeply flawed.'[105]

10.1.6 The November 2024 EUAA report stated that 'Sources describe Iraq's

[101] DFAT, Country Information Report Iraq (Section 5.12), 16 January 2023
[102] GITOC, Global Organized Crime Index: Iraq (Page 6), 26 September 2023
[103] UNHCR, International Protection Considerations… (Pages 62-63), 30 January 2024
[104] UNHCR, International Protection Considerations… (Page 65), 30 January 2024
[105] Freedom House, Freedom in the World 2024: Iraq (Section F2), 29 February 2024

criminal justice as weak, citing several critical issues (e.g. limited resources, lack of independence and impartiality, corruption, political and sectarian interference). Nevertheless, when the interests of powerful groups are involved, state institutions have a limited capacity to provide protection or take action against them.'[106]

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10.2 Judiciary

10.2.1 The June 2022 EUAA report stated:

'The judiciary [in federal Iraq] is made up of the Federal Supreme Court, Court of Cassation, Public Prosecution Department, Judicial Oversight Committee, and federal courts and the Higher Judicial Council, which oversees the federal court system. Under the Constitution of Iraq, the judiciary is independent and no power is above the judiciary except the law.

'… In KRI, the Kurdistan Judicial Council is independent of the KRG Ministry of Justice, however the executive branch reportedly "politically influenced sensitive cases". Judges are frequently appointed based on partisanship rather than merit or independence.'[107]

10.2.2 The same source also noted:

'[In federal Iraq], [t]he lack of resources in the judiciary has reportedly caused lengthy delays before and during trials. The system is currently predominantly dealing with ISIL cases.

'The [federal] 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. According to sources, the Iraqi judiciary is susceptible to corruption, bribery and political interference, and pressure from religious and tribal forces. Court decisions are reportedly influenced by political and sectarian identity. Abuses by paramilitary groups have gone on with impunity and without being addressed by the judicial system.' [108]

10.2.3 Referring to the situation in the KRI, the August 2022 KCIL report stated:

'There are some laws in the KRI which prevent judges from being affiliated with a political party and give independent and impartial status to judges… Despite these guarantees, in reality, what sometimes happens is not in accordance with the laws; depending on personal, political and administrative influences, the impartiality of the KRI courts and judges is eroded. They are sometimes influenced by the intervention of tribal chiefs, which deprive the court of independence and impartiality. On other occasions, judges face problems and pressure from outside the courtroom, especially when they refuse to abide by certain instructions.'[109]

10.2.4 The same source also stated:

'One of the biggest problems in the judiciary is the long delay between a trial and sentencing. This sometimes discourages litigants from taking cases to

[106] EUAA, Country Guidance: Iraq (Section 5.1.1), 14 November 2024
[107] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[108] EUAA, Country Guidance: Iraq (Sections 4.1.1-4.1.2), 29 June 2022
[109] KCIL, Obstacles, Limitations and Challenges (Pages 57-58), August 2022

court, frustrates the judiciary and reduces public confidence in it. Sometimes this delay is such that instead of going to court, citizens prefer to settle disputes outside of court, in traditional ways or to make a compromise, which most of the times, is against their will. Citizens are forced to accept the results of such methods, which have many negative consequences; in an even worse scenario, instead of going to court and filing a lawsuit, sometimes they seek personal revenge, which exacerbates the problem.

'… An unsustainable load of lawsuits, complaints and cases filed in the courts can reduce the effectiveness of the judiciary. In the KRI judicial system, the large number of disputes and complaints is part of the problem facing the judiciary and has weakened the functioning of the judiciary and prolonged proceedings within it.'[110]

10.2.5 The same source also stated:

'Usually in cases where one party is the governmental body or its affiliates, it is possible for the trial process to be influenced by them. In the KRI, due to the political and administrative structure of the party, this can happen. Most of the rights of the accused, which are necessary to a fair trial, are recognized in Iraqi and KRI laws… Despite the recognition of these rights of the accused in the laws, there remains a possibility for violations of the rights of the accused in the stages of investigation, prosecution and appeals.'[111]

10.2.6 The same source also stated:

'There are several reasons why the judiciary sometimes enforces laws incompletely. Pressure from and the influence of politicians and those in power, as well as the lack of transparency and legal infrastructure have challenged the KRI's judiciary.

'… In the KRI, although the judiciary is less affected by political parties than other governing institutions, political groups in the judiciary try to exert influence in various ways and serve their own interests. This creates obstacles for the judiciary and its ability to self-monitor.

'In the KRI, due to the social, political and legal structures present in the region, for various reasons, enforcement guarantees cannot be effective. Sometimes a convicted criminal escapes legal punishment by leaving one party and joining another, or escaping from one city to another, or by being granted impunity by members of the political parties.'[112]

10.2.7 The January 2023 DFAT report stated: 'Like other state institutions, the judiciary is susceptible to corruption and political interference… Judges, lawyers and their family members frequently face abuse, death threats and attacks in relation to their work from sectarian, tribal, extremist and criminal elements… International observers report that the threat posed by such attacks can act to impair judicial independence.' [113]

10.2.8 In January 2023, think-tank The Arab Gulf States Institute in Washington (ASGIW) published an article entitled 'The Iraqi Judiciary: Undermined by Violent Intimidation, Corruption, and Politicization' which stated:

[110] KCIL, Obstacles, Limitations and Challenges (Pages 76-77), August 2022
[111] KCIL, Obstacles, Limitations and Challenges (Pages 102-103), August 2022
[112] KCIL, Obstacles, Limitations and Challenges (Pages 107-118), August 2022
[113] DFAT, Country Information Report Iraq (Sections 5.12 and 5.14), 16 January 2023

'The judiciary, reflecting the lack of security and pervasive corruption in all branches of the Iraqi government, has become a tool in the hands of criminal elements and political players, often cooperating with militia elements, intent on gaining greater power wealth rather than advancing the rule of law.

'… The spokesperson for the Supreme Judicial Council admitted that the judiciary often comes under pressure to cease its investigations of politicians for embezzlement and abuse of power. In March 2022, international monitor groups expressed concerns after Iraq's Federal Supreme Court, on constitutional grounds, invalidated a committee formed by the previous government to combat corruption.

'… The judiciary is also accused, according to Iraqi media accounts, of rulings that are politically motivated.

'… Finally, there are allegations that some in the Iraqi judiciary are using their powers to muzzle critics of the judiciary and militias.

'… The dedicated and impartial judges in Iraq who remain on the bench are under mounting pressure as they are targeted by criminal and shadowy militia networks, while they receive limited support from the government. Simultaneously, the corruptibility and politicization of other judges cause wide-reaching harm.'[114]

10.2.9 In December 2023, Chatham House published a research paper entitled 'Tackling Iraq's unaccountable state' which stated:

'The judiciary includes institutions such as the Supreme Judicial Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Service and the Judicial Supervision Authority. According to the 2005 constitution, the judiciary has the authority to interpret the constitution and – critically – to detain or investigate all Iraqis. The Supreme Judicial Council is responsible for managing the entire ordinary judiciary, including senior judges (but excluding the Federal Supreme Court, which is independent).

'… Key to the judiciary's ability to provide accountability is its independence. Article 19 of the constitution states: "The judiciary is independent and no power is above the judiciary except the law." Article 88 reaffirms this: "Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice."

'In part, this independence relies on the existence of high-level institutions that can check power internally. This system of checks includes the Federal Supreme Court, which is legally independent from the Supreme Judicial Council. Its mandate includes considering the constitutionality of the decisions of all courts with regard to questions on federalism. Additionally, the Judicial Supervision Authority monitors the behaviour of judges and court employees and is the body responsible for handling corruption cases involving judges.

'… A key challenge to the judiciary's independence is a centralization trend that dates back to the early days after the US-led invasion. In 2003, the Coalition Provisional Authority (CPA) issued CPA Order No. 35, creating

[114] AGSIW, The Iraqi Judiciary…, 30 January 2023

a Council of Judges that designated the council's head as the country's chief justice. However, the problem was that Iraq had never previously had a supreme court, meaning that this was the first time that a single judge had carte blanche to select his team… Zaidan [head of the Supreme Judicial Council] is also directly responsible for appointing the heads of internal accountability mechanisms designed to oversee judges.

'… The power of appointment has given the president of the Supreme Judicial Council considerable influence over the judiciary and its accountability mechanisms, leading to perceptions that the judiciary has become less independent and, as such, less effective.

'… A senior political leader told Chatham House that the "judiciary is being politicized and is controlled by certain individuals […] the control over the judiciary prevents them from doing their work". At times, members of the elite have used violence to try to influence judges.'[115]

10.2.10 The February 2024 Freedom House report stated: 'The judiciary in Arab-majority Iraq and Iraqi Kurdistan is influenced by corruption, political pressure, violent intimidation and occasional killings, tribal forces, and religious interests. The lines between the executive, legislative, and judicial branches are frequently blurred, and executive interference in the judiciary is widespread. Many Iraqis turn to tribal bodies to settle disputes, even those involving major crimes.' [116] See Tribal justice system.

10.2.11 The March 2024 BTI report stated:

'Iraq's judiciary is divided into three branches: the ordinary judiciary (which includes the Supreme Judicial Council, Court of Cassation, Vice-Chief of the Court of Cassation, Public Prosecution, Judicial Supervisory Authority, and the Court of Appeal); a constitutional jurisdiction (the Federal Court); and an administrative judiciary (Military Judiciary, Courts of the Internal Security Forces, and the Courts of the Supreme Judicial Council). According to Article 19 of the constitution, the judiciary is independent and bound only by the law. However, powerful political elites and parties have politicized it, resulting in a generally weak judiciary given the overall erosion of the state's power. There are major crime cases that the courts have yet to resolve, even though lawyers responsible for the cases have complied with all required procedures. Among them are those against (former) members of the "IS."'[117]

10.2.12 In April 2024, the United Nations Sustainable Development Group published a report entitled 'Common Country Analysis Iraq 2023' (April 2024 UNSDG report) which stated:

'In accordance with Chapter three of Iraq's 2005 Constitution, particularly articulated in articles 87 and 88, the framework for judicial power is explicitly delineated. Nonetheless, the judiciary contends with challenges in preserving its independence.

'Constraints are evident in the restricted access to court information and the external pressures judges face, spanning from political to personal threats. A combination of significant court backlogs and insufficient documentation practices and archiving systems underscores an urgent call for reforms in

[115] Chatham House, Tackling Iraq's unaccountable state, 11 December 2023
[116] Freedom House, Freedom in the World 2024: Iraq (Section F1), 29 February 2024
[117] BTI, 2024 Country Report – Iraq (Page 13), 19 March 2024

justice administration. Notably, the absence of fully integrated internationally ratified instruments within the legislation poses a detriment to the legal infrastructure, curtailing access to pro-bono legal aid.

'Further exacerbating the situation, the autonomy of the judiciary and the integrity commission is undermined by a range of factors, including non-state actors. This erosion of judicial efficacy not only creates avenues for persistent corruption but also underscores a pronounced need for an enhanced capacity within the judicial sector, especially when addressing trials related to terrorism and significant corruption cases.'[118]

10.2.13 The April 2024 USSD report stated:

'Corruption or intimidation reportedly influenced some judges in criminal cases at the trial level and on appeal at the Court of Cassation. Numerous threats and killings by sectarian, tribal, violent extremist, and criminal elements impaired judicial independence, as judges, lawyers, and their family members frequently faced death threats and attacks. In April [2023], the bar association reported a lawyer was threatened and attacked by the defendants in a lawsuit he had filed. The association stated the attack was part of an increasing trend of attacks against lawyers, ranging between five and 10 per month around the country.

'The Kurdistan Judicial Council was legally, financially, and administratively independent from the KRG Ministry of Justice, but KRG senior leaders reportedly influenced politically sensitive cases. The IKR's strongest political parties, KDP and the PUK, also reportedly influenced judicial appointments and rulings.

'Both local and international human rights organizations asserted judges frequently failed to investigate credible allegations that security forces tortured terrorism suspects and often convicted defendants based solely on coerced confessions.'[119]

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10.3 Prison conditions

10.3.1 The January 2023 DFAT report stated:

'The US Department of State estimates there are about 50 official detention facilities in Iraq, run by the ministries of Justice, Defence and Interior. Conditions are reportedly harsh and occasionally life threatening, including due to overcrowding, physical abuse, a prevalence of communicable diseases and inadequate food, sanitation and medical care.

'… There are five juvenile correctional facilities, many of which house juveniles held for terrorism offences... There are reports of juveniles sometimes being held with adults, including in Ninewah Province and the KRI. In some prisons, children up to 12 years old are held with their mothers.

'[Federal] Iraqi Corrections Service prisons allow regular visits by independent non-governmental observers.'[120]

10.3.2 In April 2023, Iraqi Kurdish 'independent media establishment'[121] Rudaw

[118] UNSDG, Common Country Analysis Iraq 2023 (Page 30), 3 April 2024
[119] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 1), 23 April 2024
[120] DFAT, Country Information Report Iraq (Sections 5.15 – 5.17), 16 January 2023
[121] Rudaw, About Us, no date

published an article which stated:

'Iraq's prisons are extremely overcrowded, some operating at as much as 300 percent capacity… There are some 60,000 prisoners in the country, but capacity is about 25,000 in 28 federal prisons, said [Justice ministry] spokesperson Kamil Amin. Overcrowding varies from prison to prison, reaching 200 to 300 percent capacity.

'… Amin said the justice ministry has several plans to ease overcrowding, including expanding current facilities, building new prisons, and establishing a rehabilitation centre.'[122]

10.3.3 In July 2023, the Gulf International Forum, 'an independent Washington-based institute that aspires to enhance peace, progress, security and stability in the Gulf and greater Middle East region through the open proliferation of ideas'[123], published an article entitled 'Systemic Failures in Iraqi Prisons Create Breeding Grounds for Extremism'. It stated:

'The conditions of these prisons are horrendous, and inmates are forced to remain detained for long durations to receive their sentences. While serving time, the security guards subject these detainees to different types of torture. The Iraqi government, instead of preventing such practices, indirectly facilitates them.

'… The prisons in Iraq are overcrowded, lack prerequisites for basic needs, and have abysmal medical facilities, resulting in the prevalence of several diseases. Iraqi prisons are extremely crowded as some operate at a 300% capacity, according to the spokesman for the Iraqi justice ministry. According to the United Nations, "more than 60,000 people, including about 1,000 women, are detained in 13 government prisons. In addition, [there are] dozens of secret prisons run by militias, political parties, and various tribal and other factions." Some prisoners are charged but they remain for months if not years, while others stay in prison without being charged.

'According to some sources, 28,000 prisoners are charged, while another 29,000 are still waiting to be charged. In three pretrial facilities in the northern Iraqi Nineveh governorate, there is a maximum capacity of 2,500 people, but it was holding 4,500 prisoners and detainees. One thousand three hundred of those were tried and convicted but have not been transferred to Baghdad more than six months after their convictions. Not only does the Ministry of Justice prevent human rights organizations from visiting the prisons in some instances, but it also refuses to disclose the conditions of the prisoners. Many times, inmates' families are forced to pay bribes to visit their relatives in prison.

'… There are many confirmed reports of torture, extrajudicial killings, and arbitrary detention, as security forces and militias resorted to brutal tactics to extract confessions or punish perceived enemies. The lack of oversight, accountability, and due process further exacerbated the situation, as detainees had little legal recourse or protection from abuses by the authorities. Despite the constitutional prohibition of torture, it is widespread in Iraqi prisons. The courts effortlessly accepted forced confessions from inmates, and 42 inmates died in one prison from torture and malnutrition

[122] Rudaw, Iraqi prisons overcrowded up to 300 percent capacity…, 14 April 2023
[123] Gulf International Forum, About Us, no date

within 5 months.

'Iraqi prisons have become notorious for holding numerous women and children under spurious charges [usually related to terrorism – see Anti-terrorism laws] and unlawful circumstances. A significant proportion of the women detained are not implicated in their actions [i.e., the actions their male relatives] but are often leveraged as pawns while interrogating their male relatives suspected of supporting militant groups… Photographic evidence inside these Iraqi prisons has exposed the deplorable conditions in which women and children are kept. Images depict prison cells crammed with detainees to the extent that the floor is invisible. Adolescent boys are constrained into sleeping in a fetal position due to a lack of space. The Interior Ministry admits to holding boys as young as 13 with limited access to medical care, and in some cases, children as young as three have been found in detention centers.'[124]

10.3.4 In August 2023, Rudaw published an article entitled 'Over 440 death row inmates in Kurdistan Region: Official' which stated: 'There are six correctional facilities across the Kurdistan Region, consisting of three for male prisoners and three for women and juvenile pretrial detainees and prisoners… More than two thousand prisoners are held in Erbil's correctional facilities, the most out of the [Kurdistan] Region's provinces.'[125]

10.3.5 The January 2024 UNHCR report referred to the situation in federal Iraq:

'Official places of detention are administered by the Ministries of Justice, the Interior, Defence and Labour and Social Affairs.

'Detention and prison conditions have been described as "unacceptable" and in some cases "inhumane" and "life-threatening". Detainees and prisoners are reported to be held in poor and overcrowded conditions, with limited access to food, water, sanitation, and medical care. Conditions in unofficial detention centres are reported to be particularly dire. Families are reportedly forced to pay bribes in order to improve their relatives' detention conditions.

'The Government allows only for announced visits to prisons and detention centres by inspection bodies such as the Iraqi High Commission for Human Rights (IHCHR).

'Children are reported to be imprisoned in overcrowded juvenile facilities, or, in some instances, together with adults. They have limited options for rehabilitation and reintegration. Children are at times detained or imprisoned with their mothers with no access to education, adequate nutrition and health care.'[126]

10.3.6 Referring to the situation in the KRI, the same source stated:

'Places of detention are run by the Asayish, the Ministry of the Interior and the Ministry of Labour and Social Affairs; however, only official prisons run by the Ministry of Labour and Social Affairs are regulated by law. Reports indicate severe overcrowding and poor material conditions in detention facilities and prisons.

'Children are reported to be imprisoned in juvenile facilities in poor

[124] Gulf International Forum, Systemic Failures in Iraqi Prisons…, 14 July 2023
[125] Rudaw, Over 440 death row inmates in Kurdistan Region: Official, 4 August 2023
[126] UNHCR, International Protection Considerations… (Pages 48-49), 30 January 2024

conditions. As of August 2022, there were over 200 juveniles detained in the KR-I with the majority held in pre-trial detention. Prisons sometimes house juveniles with adults and pre-trial detainees with convicted criminals. Juveniles have limited options for rehabilitation and reintegration.

'… As at March 2022, there were 2,300 persons in detention in the KR-I for terrorism offences, including children.'[127]

10.3.7 The April 2024 USSD report stated:

'Prison and detention center conditions were harsh and occasionally life threatening due to food shortages, gross overcrowding, physical abuse, inadequate sanitary conditions and medical care, and the threat of communicable illnesses.

'… Torture in jails, detention facilities, and prisons was often hidden from effective legal oversight.

'… In August [2023], Human Rights Watch reported deaths occurred on a weekly basis inside government prisons as a result of torture, beatings, or malnutrition, especially al-Hout prison in Dhi Qar Province and al-Rusafa central prison and al-Hilla prison. Prisons also recorded incidents of suicide, and parliamentarians warned of "systemic torture" in prisons. Nazila Maroufian, an Iranian Kurdish journalist, claimed she was tortured for 13 days in January [2023] in Sulaymaniyah prison.

'… The number of alleged ISIS members detained by the government exacerbated systemic overcrowding in government-run prisons. The Iraqi Correctional Service, part of the Ministry of Justice, administered 29 facilities in the country. The Justice, Defense, and Interior Ministries operated 24 detention facilities. The Counter Terrorism Service also ran at least one pretrial detention facility. In April [2023], the Ministry of Justice confirmed that government prisons were at 300 percent of capacity. The Ministry of Justice announced the dismissal of the director of Rusafa prison after acknowledging the prison was at 400 percent capacity.

'Members of the Council of Representatives (COR) [Iraqi parliament] Human Rights Committee denounced the situation in women's prisons as a human rights violation, noting the majority of inmates came from ISIS-related families. According to the Ministry of Justice, authorities detained children up to age 12 with mothers alleged to have an ISIS affiliation. By some reports, 100 children were in detention with their mothers during the year [2023]. Reports alleged an estimated 60 adult inmates died.

'… In July [2023], the Ministry of Justice acknowledged the spread of diseases in prisons due to overcrowding and stated it would coordinate with the Ministry of Health to improve the health conditions of prisoners. The ministry explained "the health situation inside prisons" was "one of the most prominent obstacles facing the ministry's work," as "diseases have spread among inmates" as a result of overcrowding.

'International and local human rights groups reported authorities in numerous instances denied family visits to detainees and convicts. In many cases, the families of inmates had to pay large bribes to visit their relatives in person. Guards allegedly demanded bribes or beat detainees when detainees asked to

[127] UNHCR, International Protection Considerations… (Pages 52-54), 30 January 2024

call their relatives or legal counsel.

'… Across the Iraqi Kurdistan Region (IKR), there were six correctional centers, three for detained men and three for detained women and juveniles. The centers designated for women and juveniles held both pretrial detainees and prisoners, while pretrial detained men were held at police station detention facilities throughout the IKR. The total number of detainees incarcerated exceeded the designated capacity across all facilities by 157 percent. According to KRG officials, the prison population was 4,922, of whom 181 were juveniles. In some detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults, as in the IKR the minimum age for legal responsibility was 11.

'The Independent Human Rights Commission Kurdistan Region, an independent commission under the KRG parliament, reported IKR correctional centers suffered from long-term problems of overcrowding, inadequate water, sanitation, and hygiene facilities, use of violence during preliminary detention, and outdated infrastructure at women's and juvenile centers. The limited medical staff was unable to provide adequate medical services to all prisoners.'[128]

10.3.8 In June 2024, media outlet Kurdistan 24, which seeks to 'provide up-to-date, impartial, and quality information to the widest possible Kurdish-speaking public in the region'[129], published an article entitled 'Death, torture, delayed visits: inside Iraq's harrowing prison system' which stated:

'Prisoners and detainees in [federal] Iraqi jails are enduring severe hardships, including significant delays and restrictions on visits from their relatives… Although there are no precise figures on the number of detainees in Iraq, estimates suggest that there are around 100,000 prisoners housed in facilities managed by the Ministries of Justice, Interior, and Defense, as well as those under the control of security agencies, national security, and counter-terrorism units.

'Additionally, the Popular Mobilization Forces (PMF or Hashd al-Shaabi) and several secret prisons also hold thousands of prisoners.

'… There have also been allegations of bribes being demanded for basic necessities like food and clothing.

'The Iraqi Center for Documenting War Crimes recently reported that 50 prisoners have died from torture in Iraqi prisons this year alone. The center highlighted the poor conditions under which tens of thousands of detainees are held, with health issues being neglected due to revenge and sectarian motives. Deaths have been recorded not only in prisons under the Ministries of Justice, Interior, and Defense but also in secret militia-run facilities.'[130]

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10.4 Trials and legal representation

10.4.1 The August 2022 KCIL report stated:

'Recently, the application of the Anti-Terrorism Law in the KRI has been prolific. In 2020, there were 1,190 cases in the Committee of Felony in the

[128] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 1), 23 April 2024
[129] Kurdistan 24, About us, no date. Accessed: 19 August 2024
[130] Kurdistan 24, Death, torture, delayed visits…, 29 June 2024

Kurdistan Court of Cassation. Five-hundred and twenty-one of those cases were related to the Anti-Terrorism Law, equivalent to 44 per cent of all criminal cases in 2020. Between January 1, 2021 and November 15, 2021, Anti-Terrorism related cases accounted for 410 out of 1,430 criminal cases. This represents 29 per cent of all criminal cases in the KRI.

'It is a similar situation in the Juvenile Committee in the Kurdistan Court of Cassation, where the number of cases related to the Anti-Terrorism Law is considerable. In 2019, there were 192 terrorism-related cases, out of a total of 530. That means that 36 per cent of juvenile cases were related to the Anti-Terrorism Law. Similarly, in 2020, 72 cases out of 300 were related to the Anti-Terrorism Law, accounting for 24 per cent of all juvenile cases. There have been allegations that during the trial process, even the minimum human rights standards have been violated.'[131] See Anti-terrorism laws.

10.4.2 The January 2023 DFAT report stated:

'Between January 2018 and October 2019, the judicial system processed over 20,000 terrorism cases, overwhelmingly in relation to Da'esh cases. A January 2020 UNAMI report identified significant shortcomings in the judicial system's management of criminal trials for Da'esh suspects. UNAMI found that defendants were at a significant disadvantage and consistently denied the right to a fair trial, due to inadequate legal representation, evidence from anonymous informants and reliance on evidence extracted under torture. UNAMI also expressed concern that judges in terrorism cases ascribed an unreasonably wide range of conduct as proof of association with Da'esh.'[132]

10.4.3 Referring to the situation in federal Iraq, the January 2024 UNHCR report stated:

'Detainees, including children, commonly do not have timely and effective legal representation. They are frequently not informed about the charges brought against them. Reports indicate that they are often held in prolonged pre-trial detention without timely review of their arrest and detention by a competent judge. Detainees' families often do not receive timely notification about their relatives' arrest and detention, while others are not notified at all. If and when families are informed, they have reportedly been asked by officials to pay exorbitant sums in exchange for information, or to secure the release of their detained family members, in some cases after they have completed their sentences. According to UNAMI and the Office of the High Commissioner for Human Rights (OHCHR), "the denial of the rights to visit and communication, combined with the lack of access to lawyers during the interrogation phase, may create conditions amounting to incommunicado detention."'[133]

10.4.4 The same source also stated:

'The criminal justice system reportedly remains "deeply flawed" with "systematic" violations of defendants' right to a fair trial, in particular for those charged under the Anti-Terrorism Law. At the hearing, defendants have a private or State-appointed lawyer; however, the lawyers regularly have limited or no access to the defendant prior to the trial.

[131] KCIL, Obstacles, Limitations and Challenges… (Pages 45-46), August 2022
[132] DFAT, Country Information Report Iraq (Section 5.13), 16 January 2023
[133] UNHCR, International Protection Considerations… (Page 47), 30 January 2024

'Judges are reported to often convict the accused, including children, mainly or solely based on confessions obtained under torture or duress or information obtained from secret informants – especially in terrorism cases. Observers report that judges rarely order forensic medical examinations to investigate torture allegations, and even when they do and evidence of torture is found, they are reported to not systematically call for retrials. Detainees mostly refrain from lodging complaints for fear of reprisals.'[134]

10.4.5 Referring to the situation in the KRI, the same source stated:

'Despite legal provisions guaranteeing defendants' access to a court-appointed attorney, these lawyers often merely attend a single court hearing and lack "substantive involvement" in their clients' cases… Lawyers are only appointed at the beginning of court proceedings and thus are not present during the investigation or interrogation of the defendant… Juveniles reportedly have access to attorneys through the services of an international non-governmental organization (NGO).

'During 2021, UNAMI/OHCHR observed four trials before the Erbil criminal court and found "a consistent lack of respect for the legal conditions and procedural safeguards necessary to guarantee fair judicial proceedings before an independent and impartial tribunal".

'… Defendants are regularly charged and convicted under overly broad legal provisions, including the KR-I's 2006 Anti-Terrorism Law and the Law to Prevent Misuse of Communications Equipment, which lack clear definitions and are therefore open to subjective interpretation. In violation of international law, the Anti-Terrorism Law explicitly allows the use of confessions obtained under duress as long as they are corroborated.'[135] See Anti-terrorism laws.

10.4.6 The February 2024 Freedom House report stated: 'Detainees are frequently denied access to lawyers, who when available are often prevented access to crucial public documents. Terrorism cases have been prone to fundamental violations of due process, with human rights groups describing systematic denial of access to counsel and short, summary trials with little evidence that the defendants, who are often allegedly associated with IS, have committed specific crimes.'[136]

10.4.7 The March 2024 BTI report stated:

'While some alleged members of IS have faced fair trials, the lack of judicial integrity has resulted in potentially innocent individuals being subjected to unfair trials based on unfounded accusations. Simultaneously, certain defendants may benefit from the controversial General Amnesty Law 27/2016, which aimed to alleviate Sunni-Shi'a tensions by allowing pardons for those whose crimes didn't involve death, rape or disablement. Critics have argued that this law was primarily intended to release corrupt elites from prison. Some individuals have not had a fair chance to defend themselves, while others have escaped punishment altogether.'[137]

10.4.8 The April 2024 USSD report stated:

[134] UNHCR, International Protection Considerations… (Page 50), 30 January 2024
[135] UNHCR, International Protection Considerations… (Pages 55-57), 30 January 2024
[136] Freedom House, Freedom in the World 2024: Iraq (Section F2), 29 February 2024
[137] BTI, 2024 Country Report – Iraq (Page 37), 19 March 2024

'By law, accused persons had the right to presumption of innocence until proven guilty. International NGOs indicated that judges in ISIS-related cases, however, sometimes reportedly presumed defendants' guilt based on presence or geographic proximity to ISIS activities, or on a spousal or familial relationship to another defendant. The law required detainees to be informed promptly and in detail of the charges against them and of their right to a fair, timely, and public trial. Nonetheless, officials routinely failed to inform defendants promptly or in detail of the charges against them. Trials were public, except in some national security cases. Numerous defendants experienced undue delays in reaching trial.

'The law granted defendants the right to be present at their trial and the right to a privately retained or court-appointed counsel at public expense, if needed. Defendants frequently did not have adequate time or facilities to prepare a defense. Insufficient access to defense attorneys was a serious defect in investigative, trial, and appellate proceedings. This scenario was typical in counterterrorism courts, where judicial officials reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members quickly, including through mass trials.

'… Attorneys appointed to represent detainees frequently complained of insufficient access to their clients that hampered adequate attorney-client consultation. In many cases, detainees could not meet their attorneys before their scheduled trial date.

'… The law did not define what types of conduct constituted torture and gave judges full discretion to determine whether a defendant's confession was admissible, often without regard for the way it was obtained. Courts routinely accepted forced confessions as evidence, which in some ISIS-related counterterrorism cases was the only evidence considered.

'… Investigative judges assembled evidence and determined whether matters should be referred to a trial panel. Three judge trial panels reviewed the investigative file, held trials, and adjudicated guilt or innocence. Legally, those accused could not be compelled to testify or confess guilt. Nevertheless, defendants and their attorneys were not always granted access to evidence, or government officials demanded a bribe in exchange for access to the case files. In numerous cases, judges reportedly relied on forced or coerced confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony. The law provided for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants, but local organizations reported authorities implemented the law selectively.'[138]

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10.5 Death penalty

10.5.1 The January 2020 UNAMI report stated:

'The list of crimes for which the death penalty is mandatory under the KRI Anti-Terror Law and Federal Anti-Terrorism Law is extensive. Consequently, it does not provide scope for the courts to consider the degree of participation in the act, the severity of the act or any mitigating

[138] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 1), 23 April 2024

circumstances. The laws also include a wide range of acts that do not meet the threshold of "most serious crimes" necessary to impose such a sentence.'[139]

10.5.2 The June 2022 EUAA report stated:

'Death penalty is envisaged under the Iraqi Penal Code No.11 of 1969, the Anti-Terrorism Law, the Military Penal Code and the Iraqi Internal Security Forces Penal Code of 2008. Under the 2005 Constitution of Iraq, the President ratifies death sentences "issued by the competent courts". Crimes that carry the death penalty in Iraq include offences such as crimes against internal or external security and state institutions, acts of terrorism, kidnapping, rape, drug trafficking leading to death, prostitution, "aggravated" murder and human trafficking leading to death, etc. Iraq continues to carry out capital punishment and is among the top three countries in the Middle East that impose and carry out executions. The death penalty is executed by hanging.'[140]

10.5.3 The January 2023 DFAT report stated:

'The death penalty is technically mandatory for murder and other crimes resulting in death, including arson, rape, robbery, and kidnapping. It is unclear whether it is always applied for these crimes. The death penalty can also be applied for drug trafficking, prostitution, espionage, treason, and sabotage. The Anti-Terrorism Law (2005) allows for the use of the death penalty for anyone who commits, incites, plans, finances, or assists in acts of terrorism. Executions are carried out by hanging… The majority of those sentenced to death in recent years have been found guilty of terrorism.'[141]

10.5.4 The August 2023 Rudaw article stated:

'There are more than five thousand inmates inside the Kurdistan Region's correctional facilities, over 440 of which have been handed the death sentence, a social affairs official told Rudaw … Kurdistan Region courts issue death sentences but the government [the Kurdistan Regional Government] has a de facto moratorium on carrying out executions. Those sentenced to death are neither executed nor given a new sentence leaving their fate unclear. Legal experts have criticized this method saying it creates a legal gap.'[142]

10.5.5 The January 2024 UNHCR report referred to the situation in federal Iraq:

'Capital punishment is mandatory for a wide range of crimes, including under the 2005 Anti-Terrorism Law. In spite of serious concerns over due process shortcomings and repeated calls by the UN and human rights organizations for a moratorium on all death sentences and executions, the death penalty is frequently imposed, mostly under the Anti-Terrorism Law, and some 11,000 persons are reported to be on death row. UNAMI documented the execution of 14 prisoners in July and August 2023, and the execution of 13 men was reportedly carried out on 25 December 2023, seemingly reversing a trend of decreasing numbers of executions in 2022. According to observers, detention conditions for prisoners on death row in Nasiriyah Prison (Thi-Qar

[139] UNAMI, Human Rights in the Administration… (Executive Summary), 28 January 2020
[140] EUAA, Country Guidance: Iraq (Page 42), 29 June 2022
[141] DFAT, Country Information Report Iraq (Sections 4.4-4.5), 16 January 2023
[142] Rudaw, Over 440 death row inmates in Kurdistan Region: Official, 4 August 2023

Governorate) are “deplorable” and prisoners are subjected to torture and ill-treatment.

‘… Iraqi law provides for an automatic appeals process in death penalty cases; however, death sentences are rarely overturned at the appeals level. Those sentenced to death under the Anti-Terrorism Law reportedly have no right to seek clemency or pardon as required under international human rights law. Families are reportedly often not informed prior to the execution of their relatives.’[143]

10.5.6 Referring to the situation in the KRI, the same source stated: ‘A de facto moratorium on the implementation of the death penalty has been in place since 2008; nevertheless, the KRG is reported to have disregarded this in 2015 and 2016 and executed several convicts. Furthermore, death penalties continue to be issued, including at least 36 in 2021, and several hundred persons are reported to remain on death row.’[144]

10.5.7 In April 2024, Amnesty International published an article entitled ‘Iraq: At least 13 people executed amid alarming lack of transparency’ which stated:

‘[A]t least 13 men were put to death on 22 April in Nasiriyah Central Prison, in the southern governorate of Thi Qar, following their conviction on overly broad and vague terrorism charges.

‘… Security sources had previously confirmed to the media the execution of 13 men on 25 December 2023 – the first recorded mass execution since November 2020. But activists and lawyers who represent prisoners on death row told Amnesty International that scores more have been executed since 10 April adding that the authorities did not give advance notice to the prisoners or their families and lawyers.

‘… Out of the men executed on 22 April [2024], 11 were convicted on the basis of their affiliation to the so-called Islamic State armed group. The lawyer of the other two men executed on 22 April told Amnesty International that they were convicted of terrorism-related offences.

‘… Two lawyers told Amnesty International that as many as 150 individuals are at imminent risk of execution after President Abdul Latif Rashid reportedly ratified their death sentences. According to official court documents reviewed by Amnesty International, on 22 October 2023, the Federal Appeals Court sought the ratification of the death sentences of 51 individuals from the office of the Presidency. Over 8,000 prisoners are believed to be on death row in Iraq.’[145]

10.5.8 In June 2024, the United Nations OHCHR published a press release entitled ‘Scale and cycle of Iraq’s arbitrary executions may be a crime against humanity: Special Rapporteurs’ which stated:

‘The Government of Iraq’s systematic executions of prisoners sentenced to death based on torture-tainted confessions, and pursuant to an ambiguous counterterrorism law, amount to arbitrary deprivation of life under international law and may amount to a crime against humanity, human rights experts said today.

[143] UNHCR, International Protection Considerations… (Pages 51-52), 30 January 2024
[144] UNHCR, International Protection Considerations… (Page 57), 30 January 2024
[145] Amnesty International, Iraq: At least 13 people executed…, 24 April 2024

'"We are alarmed by the high number of executions publicly reported since 2016, nearly four hundred, including 30 this year, and the explicit political commitment to continue implementing death sentences, in total disregard to the reported irregularities in the administration of justice, cases of enforced disappearances, and torture-tainted confessions, which led to these unfair sentences," the Special Rapporteurs said.

'With an official record of 8,000 prisoners on death row in Iraq, the experts said that when arbitrary executions are on a widespread and systematic basis, they may amount to crimes against humanity, engaging criminal responsibility of any official involved in such acts, either directly, or by acquiescence.

'Retentionist States, such as Iraq, are not released from their obligations under international law, which restricts the application of the death penalty to the "most serious crimes", meaning intentional killing.

'"We insist that most of the crimes detailed in articles (2) and (3) of the Counterterrorism law no.13 of 2005 and based on which persons are being sentenced to death, fail to meet the threshold of the 'most serious crimes', rendering these executions arbitrary in nature," the experts said. "The alleged political use of death sentences, mainly against Sunni Iraqi males, is deeply troubling."

'Not only are death row prisoners subjected to severe psychological pain and suffering due to the lack of information about the date of execution, but they are also reportedly tortured and suffer other forms of ill-treatment in the notorious al-Nasiriyah prison, including lack of access to adequate food and clean drinking water. They are also denied medical care for serious and infectious diseases, leading to premature deaths in custody.

'"We are horrified by the scores of reported deaths in al-Nasiriyah prison due to torture and deplorable conditions of detention," the experts said. "We remind the Government of Iraq of its responsibility for prisoners' deaths, under international law…'[146]

10.5.9 See Anti-terrorism laws.

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11. Tribal justice

11.1 Tribal laws, codes, and dispute resolution mechanisms

11.1.1 In April 2023, the EUAA published a report entitled 'Iraq: Arab Tribes and Customary Law' (April 2023 EUAA report). The report, which covers tribes in federal Iraq but not in the KRI, stated, citing various sources:

'"Tribalism is a defining characteristic of modern Iraqi society, but one that is constantly adapting to changing times" … In areas where it is strong, tribal law "regulates everyday life and behaviour, relations between sexes, and men's and women's roles in society … A key underlying concept of the tribal system in Iraq is "honour," especially where family, clan and tribe are strong and where state institutions are weak; it is also key to tribal systems of conflict resolution.

'… In contemporary Iraq, tribalism has influence throughout the country. It is

[146] UN OHCHR, Scale and cycle of Iraq's arbitrary executions may be…, 27 June 2024

particularly strong in the western/central areas and the south of Iraq, and particularly in rural areas. The presence of militias with tribal connections in both Baghdad and Basra were also mentioned [by sources]; and individual members of tribes are involved in leading or participating in militias that can "become very violent if it has disputes".'[147]

11.1.2 The same source also stated:

'Tribal law in Iraq is comprised of sets of codes (sanayin or sawani in Arabic) which are adopted by tribal sheikhs to constitute the customs that guide the relations between tribe members and between tribes themselves… Those legal codes "share a common body of rules, regardless of ethno-religious affiliations" and are known as urf. However, while urf rules vary, "[t]here is significant overlap and little variation among Sunni and Shia Arab tribal customs [… and] greater [differences] among other ethnic and religious groups."

'… There are hundreds of tribal codes in Iraq, and violations can trigger a reaction from tribes. Each clan, tribe, and tribal confederation has their own leader, or Sheikh. Tribal codes are hierarchical, within and across tribes, as leaders "compete and amalgamate" into broader confederations. At the local level, tribal leaders are "power-holders" and are considered responsible for the protection and economic situation of their communities, serving as local judges and mediators for resolving disputes, including in matters of property and marriage.

'… According to Genat [a PhD student at Stanford University with extensive experience researching tribal justice and conflict resolution mechanisms in Iraq[148]], the purpose of tribal justice is to "contain conflict", not to prevent it, but rather to prevent it from escalating.

'… Al-Samaraie [an expert on tribalism, tribal mechanisms and tribal law in Iraq[149]] observed that all kinds of complaints can be brought to tribal justice. These include cases involving murder, traffic accidents, and individual disputes, as well as land feuds and disputes based on irrigation rights and historical feuds. Tribal arbitration is "increasingly becoming the norm in handling criminal, family, and commercial disputes" such as marital issues, personal disputes, car accidents, as well as professional problems "such as teachers failing students or medical mistakes by doctors". Even state employees "resort to tribal courts to resolve disputes instead of by-laws and disciplinary tribunals". Further, according to an Iraqi tribal leader, tribal sheikhs are being involved in minor disputes such as ones arising from debt, interpersonal differences, and marital quarrels.'[150]

11.1.3 See the full EUAA report for further information, including on the topics of tribal justice after Daesh, women and tribes, tribal affiliations with extremist groups and the return of IDPs to their home areas.

11.1.4 In the context of violence against women and girls, the January 2024 UNHCR report stated: 'Alternative (informal) justice mechanisms are run by "heads of tribes, religious leaders or influential men in women's families",

[147] EUAA, Arab Tribes and Customary Law (Section 1.1), 14 April 2023
[148] EUAA, Arab Tribes and Customary Law (Section 1.1), 14 April 2023
[149] EUAA, Arab Tribes and Customary Law (Section 1.1), 14 April 2023
[150] EUAA, Arab Tribes and Customary Law (Sections 1.1 and 1.3), 14 April 2023

and the rights of women are generally not safeguarded.'[151]

11.1.5 See also the CPIN Iraq: Blood feuds, honour crimes and tribal violence.

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11.2 Tribal justice vs state justice

11.2.1 The February 2022 WPS report stated:

'In practice, tribal and formal state law and systems coexist with senior tribal leaders often interacting with state security actors following the occurrence of a crime to retain order and stability and de-escalate tensions. Tribal justice practiced outside of court systems and tribal conciliation can also impact formal sentences and enable accommodation, reduction of sentences, or the termination of legal proceedings. Tribal leaders may even contact relevant state justice systems if they are convinced that the convicted is innocent and deserves to be freed. They also communicate with the state judicial system to provide updates on disputes resolved through tribal mechanisms. When tensions and insecurity mount, local authorities may co-opt tribes to intervene on their behalf. This can be because security forces require tribes' connections and greater influence in the areas and/or to compensate for the absence of local policemen. Wasit province, for example, partly relies on tribal entities to address gaps in security provision and strengthen security in the province. While this kind of collaboration can be effective and necessary in some cases, it has also resulted in a patchwork of tribal-political allegiances that further complicate and fragment approaches to security and justice in the country. This is especially true when one tribe and its members are prioritized in formal processes and offered positions in the government or given a stake in projects.

'… Despite the state's restrictions on customary tribal law, it often holds more power on the ground, especially in the poorer more marginalized regions of southern Iraq. Where government institutions leave gaps and/or tribes do not trust the Iraqi government, the police, or the army, citizens rely on their tribe to resolve conflicts and ascertain appropriate punishment and financial compensation for damages or losses. The support for tribal practices among the population and its ability to overtake formal justice systems and procedures has in many cases resulted in de facto judicial autonomy. While there is collaboration with the state on many fronts, the different fundamentals underlying tribe and state views on justice and responsibility also lead to confrontation.'[152]

11.2.2 The March 2022 EPC paper stated:

'In case of minor disputes (theft, unpaid debts, disputes over land, properties, access to water, etc.) within or between tribes, tribal law (urf) is applied to solve them through negotiations (sulh) and mediation (wasateh) that can lead to financial compensations. In case of violent crimes, tribes, according to State law are not supposed to get justice by themselves, but when the State is weak, they do so. Tribal feuds (thar) can be resolved by compensations fasl or diyya (money or cession of rights of access, or properties, or banishment and even through forced marriages), but also through revenge by killing someone from the offender's extended family

[151] UNHCR, International Protection Considerations… (Page 152), 30 January 2024
[152] WPS, Water challenges and conflict dynamics in Southern Iraq, 17 February 2022 (Pages 28-29)

(khamsa) or by killing the offender himself. '[153]

11.2.3 The June 2022 EUAA report stated:

'Iraqi [sic] often avoid the civil and criminal courts and instead rely on tribal and religious dispute settlement of private issues, even those involving major crimes. This is largely due to lack of access to justice, lack of trust in the judiciary or because of lower social status and lack of financial resources for some parts of the population. Some citizens turned to religious and militia groups instead of the official system, mainly in poor areas of the south and west.'[154]

11.2.4 The April 2023 EUAA report stated:

'The role of tribes increases when the state is weakened by partisan struggles, armed conflicts, or economic crises, especially as regards the issues of security and identity. This increase, however, does not take place in a coordinated and homogeneous way, but varies based on geographical, socio-economic and religious considerations. In countries impacted by conflicts as Iraq, tribes assume "functions that in strong states are exclusively performed by the government" such as providing security and resolving disputes. Bobseine [PhD candidate at King's College London with expertise in tribalism in the Middle East[155]] observed, however, that when the state is weak in enforcing justice it would put more burden on tribes to enforce tribal justice as well, hindering both."

'…[S]tate failures have led to the increase in the role of tribal customs and traditions in parallel to the rule of law… [T]he two systems frequently overlap and even coordinate with each other, and at other times challenge each other.

'… In general, the judges avoid acknowledging the role of tribes in the judicial proceedings but are happy when a dispute is settled through tribal mechanisms in order to reduce their workload. Judges collaborate with the tribes in an informal way.

'…[T]ribes have a tendency to view the role of state law as complementary, in the sense that it is "only when they cannot [resolve an issue tribally] or one tribe is unwilling that the state system becomes an acceptable venue".'[156]

11.2.5 The same source also stated:

'Iraq has a pluralistic legal system with multiple overlapping legal systems through the formal Iraqi state judiciary, the Sharia law and Islamic courts, and the tribal law system … The plurality of legal systems posed challenges to a uniform application of the law for Iraqis.

'… Police and the judiciary are not independent of tribal influence, state judges do appreciate it's [sic] place in resolving conflicts, and some admit to using tribal customary law principles, while others vehemently insist on the modern system; and while its role is "extremely limited", in practice "tribal juridical principals do indeed influence state court decisions" and may result in reduced sentences, including in honour crimes.

[153] EPC, Tribes of Basra…, 29 March 2022
[154] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[155] EUAA, Arab Tribes and Customary Law (Acknowledgements), 14 April 2023
[156] EUAA, Arab Tribes and Customary Law (Sections 1.1, 1.3, 5.1), 14 April 2023

'… [I]n some cases law enforcement officials and courts encourage or refer cases for tribal settlement… In formal proceedings, state courts do not officially take into consideration tribal laws, however, in practice, politics, social positions, and other factors influence the state's judicial process.

'… [S]ources indicated that many Iraqis prefer to use the tribal system to resolve disputes, even for major crimes, as well as minor disputes, or interpersonal, intercommunal issues, of [sic] family disputes. This is mainly due to problems of corruption and distrust in the formal courts, lack of access to such courts, lack of trust in the government, and because tribal courts are less costly and seen as faster than state courts.

'Additionally, tribal resolution is seen as "more flexible" compared to the state authorities for some types of disputes, as the tribal systems are perceived as maintaining social relationships among community members. However, sources also indicate that sometimes disputes may also be resolved through a mixed approach, or by resorting to the formal system in serious cases, such as murder.'[157]

11.2.6 See the full report for further information.

11.2.7 The January 2024 UNHCR report stated: 'Due to weak rule of law, fragmentation of State control over the law enforcement system and distrust of, or lack of access to the formal justice system, tribes frequently maintain their own conflict resolution mechanisms to resolve disputes.

'… Under Iraqi law, tribal violence can carry heavy penalties, including the death sentence under the 2005 Anti-Terrorism Law; however, law enforcement personnel, who are often themselves members of tribes, are reported to lack "the means, authority, and legitimacy to counter these practices" [blood feuds and violent tribal conflicts]. Similarly, judges may delay or suspend the proceedings, or issue reduced sentences under the influence of tribes.'[158]

11.2.8 The April 2024 UNSDG report stated: 'Parallel legal systems based on tribal codes further undermine the official judiciary, affecting the ability to resolve disputes and enforce the rule of law, with women being particularly disadvantaged by these systems.'[159]

11.2.9 See Judiciary, Trials and legal representation and Effectiveness of security forces plus the CPIN, Iraq: Blood feuds, honour crimes and tribal violence.

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11.3 Tribal justice in the KRI

11.3.1 While the April 2023 EUAA report does not cover the KRI, it acknowledges the presence and influence of tribes there[160].

11.3.2 CPIT was only able to find one source specifically addressing tribal justice in the KRI (see Bibliography for sources consulted). The source is a research paper entitled 'Traditional Methods of Resolving Conflicts: The Role of Kurdish Aghas (Tribal Leaders)', authored by Maamoon Mohammed and published in the Academic Journal of Nawroz University (AJNU), a private

[157] EUAA, Arab Tribes and Customary Law (Sections 1.3 and 5.1), 14 April 2023
[158] UNHCR, International Protection Considerations… (Pages 39 and 182), 30 January 2024
[159] UNSDG, Common Country Analysis Iraq 2023 (Page 9), 3 April 2024
[160] EUAA, Arab Tribes and Customary Law (Section 1.1), 14 April 2023

university in Dohuk[161], in June 2020. It was based on '20 structured individual interviews and 3 focus group interviews with community leaders and conflict resolvers [i.e., tribal leaders] in Dohuk city'[162]. The paper acknowledges that 'academic literature on this subject [tribal dispute resolution in the KRI] is very limited'[163].

11.3.3 Since the paper is based on a relatively small number of interviews in just one city, it is not necessarily representative of the situation in the KRI as a whole. However, it is useful insofar as it provides some insight into the functioning of Iraqi Kurdish tribal dispute resolution mechanisms.

It should be noted that the author has a positive view of tribal justice, as is clear from this statement: 'Overall, this paper contends that the processes used by Aghas [tribal leaders] provides an effective valuable method that needs to be updated, given more recognition, and made available for use by all sectors of society.'[164] While the author does mention some of the issues with the tribal justice system, he does not cover them in much detail.

11.3.4 The paper stated:

'Iraqi Kurdistan comprises many tribes, each with a leader or Agha who is greatly respected by that tribe and many outside it. The position is inherited from the Aghas' ancestors and, traditionally, conflict resolution is seen as their responsibility. Although primarily Muslim, they have an open-door policy and intervene in all cases of conflict that are brought to them, whether they involve social conflicts (such as blood feuds), family disputes, issues relating to honour killings, or friction between tribes.

'… In Kurdish society, many people practice traditional methods and many people prefer traditional methods to the court system.

'… [R]esearch found that a number of different types of conflict are resolved through traditional means. These include conflicts over killing, vendetta, fights, land conflicts, children related conflicts, finance and debt conflicts, car accidents, and women related conflicts (honor and marriage related conflicts).

'… When a conflict is between two tribes, especially if blood has been spilled, then Aghas are especially preferred and well placed to resolve it. For the most complicated conflicts, [which] the government institutions find it challenging to resolve, the governmental institutions usually seek Aghas to resolve it. Informants explained that the more Aghas are involved in such cases, the easier it can be resolved.

'… The study found that a broad spectrum of people considers it beneficial to seek tribal leaders' resolutions of conflict as these are more accepted than official methods because they conform to their society's tradition and because they are considered to be fair and unbiased … People also prefer tribal leaders' methods because they are easier and faster to set in process and the outcome is more suited to the local culture… Moreover, Aghas are open to everyone and they are fast and free (sometimes even providing financial support), people are familiar with their rules and processes and

[161] Times Higher Education, Nawroz University, no date
[162] Maamoon Mohammed, AJNU, Vol. 9 No. 3, Traditional Methods… (Page 117), 24 June 2020
[163] Maamoon Mohammed, AJNU, Vol. 9 No. 3, Traditional Methods… (Page 115), 24 June 2020
[164] Maamoon Mohammed, AJNU, Vol. 9 No. 3, Traditional Methods… (Page 126), 24 June 2020

their resolutions are more accepted in the community.

'… The tribal leaders also have some influence in government institutions; as one interviewed Agha explained, they have the ability to ask the courts to postpone a case until an Agha has attempted to resolve it.'[165]

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12. Corruption

12.1 Prevalence

12.1.1 The June 2022 EUAA report stated: '[C]orruption is reportedly a persistent problem in the police forces, occurring at many levels, and involving bribes to reduce or drop criminal charges.'[166]

12.1.2 The January 2023 DFAT report stated:

'Corruption in Iraq is widespread… Bribes are often required to obtain basic services, such as connecting utilities, accessing public health services and obtaining official documents. Bribery, money laundering, nepotism and embezzlement occur at all levels of government and across all ministries… Other sectors affected by corruption include the judiciary, police and state security services…

'… Although still high, corruption levels in the KRI are reportedly lower than elsewhere in Iraq.'[167]

12.1.3 In November 2023, the London School of Economics Middle East Centre published a report entitled 'Corruption is the Lifeblood of Politics in Iraq' (November 2023 LSE Middle East Centre report) which stated: 'Corruption is a systemic issue upon which the current political order in Iraq is dependent… It is well known that corruption in Iraq is a widespread and deeply entrenched phenomena…'[168]

12.1.4 In February 2025, Transparency International published its '2024 Corruption Perceptions Index', which 'ranks 180 countries and territories around the globe by their perceived levels of public sector corruption, scoring on a scale of 0 (highly corrupt) to 100 (very clean)'[169]. The index gave Iraq a score of 26/100 (up 3 points from previous years) and a ranking of 140/180 (154 previously), with 180 being the most corrupt country and 1 being the least corrupt country[170].

12.1.5 The January 2024 UNHCR report stated:

'Corruption is endemic in Iraq… According to the UN Development Programme (UNDP), weak government institutions and widespread corruption at all levels also create "fertile ground" for violent extremism… Corruption is also a major issue in the KRG, where two parties control not only politics but the granting of government positions, contracts and much of the private sector… According to a nation-wide survey from June 2021, 82.6 per cent of Iraqis named corruption as one of Iraq's main problems.'[171]

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[165] Maamoon Mohammed, AJNU Vol. 9 No. 3, Traditional… (Pages 114-121), 24 June 2020
[166] EUAA, Country Guidance: Iraq (Section 4.1.1), 29 June 2022
[167] DFAT, Country Information Report Iraq (Sections 2.18-2.20), 16 January 2023
[168] LSE Middle East Centre, Corruption is the Lifeblood… (Pages 6-7), November 2023
[169] Transparency International, CPI 2023, January 2024
[170] Transparency International, CPI 2024 – Iraq, 11 February 2025
[171] UNHCR, International Protection Considerations… (Page 24), 30 January 2024

12.1.6 The OSAC report, updated in July 2024, stated: 'Corruption remained a chief obstacle to effective governance at all institutional levels… Federal and KRG officials frequently engaged in corrupt practices with impunity.'[172]

12.1.7 The April 2024 USSD report stated: 'There were numerous reports of government corruption … Corruption remained a significant obstacle to effective governance at all institutional levels, including in the IKR.'[173]

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12.2 Accountability

12.2.1 The January 2023 DFAT report stated: 'Despite anti-corruption laws and the implementation of an anti-corruption commission, efforts to curb corruption in Iraq have had limited success. Anti-corruption officials, police, lawyers and judges have faced threats, intimidation and abuse, as have civil society activists and the media. Armed militias are involved in corruption and provide protection for corrupt officials.'[174]

12.2.2 The November 2023 LSE Middle East Centre report stated:

'[A]ccountability mechanisms are compromised because of the political control exerted by the parties over independent commissions, the security services, and the judiciary. At every stage of uncovering corruption and holding those behind it accountable there are numerous levers of powers and blockages that can be applied by the political elite to ensure cases never progress. Changes to legislation have been undertaken to weaken oversight and accountability, making governments, and by extension the political parties, even more protected from scrutiny.

'… The cycle [of corruption] has proven particularly difficult to break because accountability mechanisms are politically compromised and even when external efforts to push for reforms are undertaken they are violently repressed, as occurred with the October 2019 protest movement.

'If an investigation proceeds and makes it to the judiciary, there are yet more barriers to prevent the application of justice. Investigative judges could find their cases being turned down by trial courts, trial judges could be moved to other courts, and even when sentences are passed, the decisions are overturned by appeal, amnesties are issued, or the accused never make it jail [sic].

'… Recovering the proceeds of corruption is even more difficult to achieve than prosecutions.'[175]

12.2.3 The January 2024 UNHCR report stated:

'While the Federal Government has created multiple anti-corruption measures and institutions, they are reported to be ineffective and weak … Prime Minister Al-Sudani has emphasized the fight against corruption and pledged to create additional anti-corruption institutions. Past government administrations have reportedly violated human rights in their efforts to fight corruption.

'… The KRG has its own Commission of Integrity, and in December 2022 set

[172] OSAC, Iraq Country Security Report (Page 18), updated 8 July 2024
[173] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 4), 23 April 2024
[174] DFAT, Country Information Report Iraq (Sections 2.18-2.20), 16 January 2023
[175] LSE Middle East Centre, Corruption is the Lifeblood… (Pages 6,7,14,15), November 2023

up a dedicated hotline in an effort to tackle corruption.

'… Across Iraq, those who investigate or report on corruption cases, including law enforcement personnel and judicial officials, as well as members of civil society and media face harassment, arbitrary arrest and detention, and politically motivated prosecution.'[176]

12.2.4 The April 2024 USSD report stated:

'The law allowed some individuals convicted of corruption to receive amnesty upon repaying money obtained through corruption, effectively allowing them to keep any profits derived from the stolen funds.

'… Anticorruption efforts were hampered by a lack of agreement concerning institutional roles, political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. The existence of armed militias, which were directly involved in corruption and provided protection for corrupt officials, made serious and sustainable anticorruption efforts difficult to enforce.

'Although anticorruption institutions collaborated with civil society groups, they saw limited results. Media and NGOs attempted to expose corruption independently, but their capacity was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and media, faced threats, intimidation, and abuse in their efforts to combat corrupt practices.

'… In August [2023], the Supreme Judicial Council issued arrest warrants for former Finance Minister Ali Allawi and three close associates of former Prime Minister Mustafa al-Kadhimi for their involvement in a tax fraud scheme deemed the "heist of the century," in which $2.5 billion [approx. 1.9 billion GBP[177]] was stolen in less than one year from the Tax Commission. On August 6, Integrity Commission chief Judge Haider Hanoun sought Interpol Red Notices to locate and provisionally arrest those involved for the purpose of extradition from a number of countries, including Türkiye, Jordan, and Saudi Arabia.

'The KRG maintained its own Committee to Investigate Corruption, which reported it registered 799 official corruption complaints between January and July [2023]. During this period, the committee sent 134 cases to the courts for further investigation and prosecution.'[178]

12.2.5 In June 2024, the United Nations Development Programme published a report entitled 'Iraq Judicial System and Grand Corruption Cases: The Central Anti-Corruption Criminal Court – Trial Monitoring Programme First Report (August 2022 – July 2023)'. The report was part of a trial monitoring programme which 'focuses, exclusively, on high-profile corruption cases tried before the Central Anti-Corruption Criminal Court (CACC) as the primary judicial mechanism for reviewing cases of Grand Corruption across the region of Federal Iraq'[179]. The report stated:

'Iraqi governments, both past and present, have consistently declared their commitment to combating corruption… Despite these declarations, tangible

[176] UNHCR, International Protection Considerations… (Pages 24-25), 30 January 2024
[177] Xe.com, Convert US Dollars to British Pounds, accessed 21 August 2024
[178] USSD, 2023 Country Reports on Human Rights Practices: Iraq (Section 4), 23 April 2024
[179] UNDP, Iraq Judicial System and Grand Corruption Cases… (Page 4), 2 June 2024

progress has been modest.

'… Iraq has ratified several international anti-corruption agreements…

'… Iraqi anti-corruption efforts employ a range of legislative measures – explicitly recognizing corruption in 51 laws.'[180]

12.2.6 The OSAC report, updated in July 2024, stated: 'The law provides criminal penalties for corruption by officials, but the government struggled to implement the laws effectively.'[181]

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[180] UNDP, Iraq Judicial System and Grand Corruption Cases… (Pages 7 and 11), 2 June 2024
[181] OSAC, Iraq Country Security Report (Page 18), updated 8 July 2024

Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

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Terms of Reference

The 'Terms of Reference' (ToR) provides a broad outline of the issues relevant to the scope of this note and forms the basis for the country information.

The following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Legal framework** – relevant laws and policies that:
  - protect individuals and groups from treatment that may amount to persecution in the constitution and penal and criminal procedural codes;
  - regulate the operation and function of security/protection forces and judiciary, including arrest and detention rights;
  - any discriminatory laws, policies or programmes applicable to protection
- **Organisations responsible for law enforcement**
  - structure and size
  - resourcing, pay, equipment and training
  - numbers of investigations, arrests (and types of crimes) and prosecutions
  - occurrence of corruption, misconduct and human rights violations
  - existence (or lack of) barriers to obtaining protection for particular groups, by location or other factors
  - discrimination in enforcement of law against particular groups, by location or other factors
  - reform – ongoing or planned reform
- **Oversight bodies of security forces**
  - size, structure, remit and powers of units within enforcement agencies, courts and independent organisations including national human rights institutions
  - process for raising complaints
  - numbers of investigations and outcomes, incl. any evidence of investigations and punishment for corruption, misconduct and human rights violations
- **Justice system**
  - structure, size and composition
  - selection process for magistrates/judges, resourcing, pay, equipment and training
  - independence from executive or other state bodies – government influence on court composition and judgements
  - fair trial – availability to legal aid and representation; witness protection programmes and their effectiveness; open and public trial; rights of appeal to higher courts
  - existence (or lack) of barriers to accessing the judicial process for particular groups, by location (different provinces or rural/urban) or other factors
  - occurrence of corruption, misconduct and human rights violations

- numbers of cases and their outcomes
- informal tribal justice systems

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Version control and feedback

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from 5 September 2025

Official – sensitive: Not for disclosure – Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: Not for disclosure – End of section

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Changes from last version of this note

Updated COI and Assessment.

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Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support them in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

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