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January 2022**

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Iraq, submitted to the United Nations Human Rights Committee in advance of its review of Iraq in March 2022. We hope it will inform the Committee's upcoming review of the Iraqi government's compliance with its obligations under the International Covenant on Civil and Political rights ("ICCPR").

For additional information, please see Human Rights Watch Country page on Iraq: <https://www.hrw.org/middle-east/n-africa/iraq>.

Domestic Violence (arts. 2, 3, 6, 7, 12 and 26)

While Iraq's penal code criminalizes physical assault, several provisions in the criminal code enable impunity for violence against women, including domestic violence. Article 41(1) allows a husband to "punish" his wife and parents to discipline their children "within limits prescribed by law or custom."¹ UNICEF surveys have found more than 80 percent of children are subjected to violent discipline.² The penal code also provides mitigated sentences for violent acts, including murder, for "honorable motives," and catching one's wife or female relative in the act of adultery or sex outside of marriage.³ The penal code also allows perpetrators of rape or sexual assault to escape prosecution or have their sentences quashed if they marry their victim.⁴

Moreover, discriminatory personal status laws allow men control over women's lives, which also exposes women to violence. Iraq's Personal Status Law provides that women can lose their right to financial maintenance if she refuses without cause his request to move into his home, leaves "her husband's home without permission and without legitimate cause," or "refuses to travel with her husband without a legitimate reason."⁵ It also provides that women will not be required to obey their husband or will not be deemed disobedient if the husband is abusive in his request for obedience "with the intent of causing her harm or restriction," and the husband is not allowed to request her to obey in matters that are against sharia law.⁶ The Kurdistan Region of Iraq's 2008 law amends Iraq's Personal Status Law for the Kurdistan region to provide that either spouse can be deemed disobedient such as where a husband leaves his wife

¹ Arts. 41(1) of the Penal Code, Law No. 111 of 1969.

² Human Rights Watch report, "Corporal Punishment of Children: Human Rights Watch Index for the Middle East and North Africa," May 10, 2021, <https://features.hrw.org/features/features/corporal-punishment-of-children/index.html>

³ Arts. 128(1) and 409 of the Penal Code, Law No. 111 of 1969.

⁴ Art. 398 of the Penal Code, Law No. 111 of 1969.

⁵ Iraq Personal Status Law No. 188 of 1959, December 30, 1959, as amended under Law No. 57 of 1980, arts. 23 and 25(1), <https://www.refworld.org/docid/5c7664947.html> (accessed July 24, 2021).

⁶ Ibid., arts. 25(2) and 33.

or where the wife leaves the marital home without permission and in an illegal manner.⁷

The Iraq Family Health Survey (IFHS) of 2006/7 found that one in five Iraqi women are subject to physical domestic violence.⁸ A 2012 Planning Ministry study found that at least 36 percent of married women reported experiencing some form of psychological abuse from their husbands, 23 percent verbal abuse, six percent physical violence, and nine percent sexual violence.⁹ In October 2019, Human Rights Watch interviewed five Iraqi women living in a shelter who said they had fled their homes because of years of domestic violence, including rape, forced marriage, and forced prostitution, by family members or their husband, and in some cases how the authorities failed to help them when they reported the abuse.¹⁰ Cases of domestic violence were reported throughout 2021, including killings of women and girls by their husbands or families.¹¹

Research conducted by Human Rights Watch in 2021 also found that domestic violence against lesbian, gay, bisexual, or transgender (LGBT) people in Iraq remains widespread. Forty out of the 54 LGBT people interviewed by Human Rights Watch reported experiencing extreme violence at least once by male family members for their sexual orientation or gender identity and expression, including being locked in a room for extended periods, being denied food and water, being burned, beaten, raped, electrocuted, attacked at gunpoint, subjected to conversion practices and forced hormone therapy, subjected to forced marriages, and forced to work for long hours without compensation.

While the Iraqi constitution expressly prohibits “all forms of violence and abuse in the family,” only the Kurdistan Region of Iraq (KRI) has a law on domestic violence.¹² Parliamentary efforts to pass a draft law against domestic violence have stalled since 2019. The 2019 version seen by Human Rights Watch included provisions for services for domestic violence survivors, restraining orders, penalties for their breach, and establishment of a cross-ministerial committee to combat domestic violence.¹³ However, the bill had several gaps and provisions that would undermine its effectiveness, such as prioritizing reconciliation over protection and justice for victims.¹⁴

⁷ Law o. 15 of 2008 amending Law No. 188 of 1959 for the Kurdistan Region of Iraq, art. 10 replacing the text of art. 25, Arabic text at <https://bit.ly/3qZ6u4b> or English text at http://www.ekrg.org/files/pdf/personal_status_law.pdf (accessed July 25, 2021).

⁸ World Health Organization (WHO), “Republic of Iraq: Iraq Family Health Survey Report,” 2006/7, https://www.who.int/mediacentre/news/releases/2008/pr02/2008_iraq_family_health_survey_report.pdf (accessed May 19, 2020).

⁹ Iraq Ministry of Planning Central Statistical Organization, “Iraq Women Integrated Social and Health Survey: Summary Report,” March 2012, <https://reliefweb.int/sites/reliefweb.int/files/resources/I-WISH%20Report%20English.pdf> (accessed May 19, 2020).

¹⁰ “Iraq: Urgent Need for Domestic Violence Law”, Human Rights Watch news release, April 22, 2020, <https://www.hrw.org/news/2020/04/22/iraq-urgent-need-domestic-violence-law>.

¹¹ Hoda Safi, “A quarter of Iraqi women in the cycle of domestic violence,” *Kirkuknow*, March 29, 2021, <https://kirkuknow.com/ar/news/65188> (accessed January 20, 2022); “Father kills daughter in Erbil,” *Al Ray*, July 12, 2021, <http://alrray.org/archives/505775> (accessed January 20, 2022); “Nourzan Al-Shammari: the crime that shook the Iraqi street, Ministry of Interior arrests the killer,” BBC Arabic, August 28, 2021, <https://www.bbc.com/arabic/trending-58370207> (accessed January 20, 2022); “Woman Killed by Husband at Erbil Hotel,” NRT TV, September 9, 2021, <https://www.nrtv.com/En/detail6/871> (accessed January 20, 2022); “Nourzan Al-Shammari’s murder shines light on domestic violence and ‘honour killings’ in Iraq,” *The New Arab*, September 13, 2021, <https://english.alaraby.co.uk/features/nourzans-murder-brings-focus-domestic-violence-iraq> (accessed January 20, 2022).

¹² Iraq Constitution, art. 29; Domestic Law No. 8 Kurdistan Region of Iraq, http://www.ekrg.org/files/pdf/combating_domestic_violence_english.pdf

¹³ See Parliament of Iraq, Draft Law on Domestic Violence (September 16, 2019), <https://presidency.iq/Details.aspx?id=8355>; United Nations Assistance Mission for Iraq (UNAMI), “UN Welcomes Iraqi Leadership’s Support for Enactment of Anti-Domestic Violence Law,” May 6, 2019, <https://reliefweb.int/report/iraq/un-welcomes-iraqi-leadership-s-support-enactment-anti-domestic-violence-law-enarku> (accessed May 18, 2020); “UN in Iraq raises the alarm: Time to endorse anti-domestic violence law,” United Nations Iraq press release, April 16, 2020, <https://www.unicef.org/iraq/press-releases/un-iraq-raises-alarmtime-endorse-anti-domestic-violence-law> (accessed January 18, 2022).

¹⁴ See “Iraq: Strengthen Domestic Violence Bill”, Human Rights Watch news release, March 19, 2017, <https://www.hrw.org/news/2017/03/19/iraq-strengthen-domestic-violence-bill>.

Iraq has few working shelters run by women's rights organizations and the shelters have often been subject to physical attack and threats by offenders and have faced hostility by some government officials.¹⁵ Domestic violence victims are often temporarily housed in female prisons. The 2019 draft law would establish government shelters in coordination with local women's rights organizations.

The Human Rights Committee should pose the following questions to the government of Iraq:

- *What measures is the government taking to combat domestic violence, including repealing provisions of laws that enable impunity for violence against women including domestic violence?*
- *What measures is the government currently taking to ensure that a bill against domestic violence is amended in line with international human rights standards including that it effectively prevents domestic violence, protects survivors and prosecutes abusers? And what steps is it taking to ensure that this bill passes as a matter of urgency?*

Rights of People with Disabilities to Vote and Run in Elections (art. 2, 25)

Iraq failed to secure political rights, in particular the right to vote, for Iraqis with disabilities.¹⁶ People with disabilities are often effectively denied their right to vote due to discriminatory legislation that strips the right to vote or run for office for people considered not "fully competent" under the law, inaccessible polling places, and legislative and political obstacles, like requirements for a certain level of education that many people with disabilities are unable to attain. In 2019, the UN's Committee on the Rights of Persons with Disabilities said that Iraq, plagued by decades of violence and war, including the battles against the Islamic State (also known as ISIS) from 2014-2017, has one of the world's largest populations of people with disabilities.¹⁷

The Human Rights Committee should pose the following questions to the government of Iraq:

- *What measures is the government taking to ensure that people with disabilities are able to run in elections and vote without facing any forms of discrimination?*

Extrajudicial Killings During Anti-ISIS Operations (art. 6)

During the battles against ISIS from 2014 to 2018, and particularly during the battle to retake the city of Mosul from 2016 to 2017, Iraqi government and Kurdistan Regional Government (KRG) forces committed serious human rights and laws of war abuses under the guise of fighting terror.¹⁸ For example, during the operations to retake Mosul, Iraqi forces tortured some of those captured, in some cases then executing them extrajudicially with complete impunity, sometimes after posting photos and videos of

¹⁵ Ibid.

¹⁶ "Iraq: People with Disabilities Face Election Barriers," Human Rights Watch news release, September 16, 2021, <https://www.hrw.org/news/2021/09/16/iraq-people-disabilities-face-election-barriers#>

¹⁷ "Committee on the Rights of Persons with Disabilities discusses the impact of the armed conflict on persons with disabilities in Iraq," UN OHCHR press release, September 11, 2019, <https://reliefweb.int/report/iraq/committee-rights-persons-disabilities-discusses-impact-armed-conflict-persons>

¹⁸ "Kurdistan Regional Government: Allegations of Mass Executions," Human Rights Watch news release, February 8, 2018, <https://www.hrw.org/news/2018/04/05/krp-response-war-crimes-allegations-iraq-falls-short>.

the abuses on social media sites.¹⁹ Human Rights Watch is unaware of any measures by Iraqi or KRG authorities to hold accountable forces implicated in these abuses.

Iraqi forces bombarded civilian objects including homes and hospitals in ISIS-held areas. They fired inherently imprecise ground-fired munitions, including mortars, multiple-rocket launchers and Improvised Rocket-Assisted Munitions (IRAM), into densely populated civilian areas.²⁰ Then-Prime Minister al-Abadi said that between 970 and 1,260 civilians were killed during the battle to capture Mosul but provided no details on how those numbers were reached. It is likely that Iraqi and US-led coalition forces killed many thousands of civilians in the course of their military operations against ISIS.²¹ Despite commitments by al-Abadi in September 2017 to investigate allegations of torture and extrajudicial killings, authorities apparently took no steps to investigate these abuses.²²

The Human Rights Committee should pose the following questions to the government of Iraq:

- *How many investigations has it launched into armed forces' behavior during counterterrorism operations since 2014 and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?*

Excessive Force Against Protesters (arts. 6, 9, 19, 21)

In March 2017, KRG armed forces fired rubber and live bullets and teargas canisters at protesters in Sinjar, killing one person and wounding at least seven.²³ Three protesters said that they and the other protesters were unarmed and peaceful when the Rojava Peshmerga forces, Syrian fighters integrated into a unit under the KRG's Interior Ministry and stationed in Sinjar, opened fire. They said some protesters threw rocks at the Rojava Peshmerga forces, but only after armed forces opened fire.

Protests that began in central and southern Iraq in July 2018 demanding improved access to water, jobs, and electrical power turned violent in some areas, particularly in Basra, with Ministry of Interior forces injuring dozens of protesters and killing several through excessive use of force when trying to disperse crowds and detain protesters.²⁴ The protests in Basra continued through September 2018, with increasing violence on both sides leading to protesters burning down buildings and leaving at least 15 dead.²⁵

During protests that began in October 2019 and continued into late 2020, clashes with security forces, including the Popular Mobilization Forces (PMF or *hashad*) nominally under the control of the prime minister, left at least 560 protesters and security forces dead in Baghdad and Iraq's southern

¹⁹ "Iraq: Execution Site Near Mosul's Old City," Human Rights Watch news release, July 19, 2017, <https://www.hrw.org/news/2017/07/19/iraq-execution-site-near-mosuls-old-city>; "Iraq: Investigate Possible Mosul Abuse," Human Rights Watch news release, July 13, 2017, <https://www.hrw.org/news/2017/07/13/iraq-investigate-possible-mosul-abuse>.

²⁰ "Iraq/US-Led Coalition: Weapons Choice Endangers Mosul Civilians," Human Rights Watch news release, June 8, 2017, <https://www.hrw.org/news/2017/06/08/iraq/us-led-coalition-weapons-choice-endangers-mosul-civilians>.

²¹ "Iraq: Airstrike Vetting Changes Raise Concerns," Human Rights Watch news release, March 28, 2017, <https://www.hrw.org/news/2017/03/28/iraq-airstrike-vetting-changes-raise-concerns>

²² "Iraq: Torture Persists in Mosul Jail," Human Rights Watch news release, April 18, 2019, <https://www.hrw.org/news/2019/04/18/iraq-torture-persists-mosul-jail>.

²³ "Iraq/Kurdistan Region of Iraq: Troops Shoot at Protesters," Human Rights Watch news release, March 30, 2017, <https://www.hrw.org/news/2017/03/30/iraq/kurdistan-region-iraq-troops-shot-protesters>.

²⁴ "Iraq: Security Forces Fire on Protesters," Human Rights Watch news release, July 24, 2018, <https://www.hrw.org/news/2018/07/24/iraq-security-forces-fire-protesters>.

²⁵ "Iraq: Calm returns to Basra after week of violent protests," *Al Jazeera*, September 9, 2019, <https://www.aljazeera.com/news/2018/09/iraq-calm-returns-basra-week-violent-protests-180909093856071.html>.

cities.²⁶ In May 2020, when Prime Minister Mustafa al-Kadhimi took office, he formed a committee to investigate the killings of protesters.²⁷ It had yet to announce any findings as of September 2021.

In July 2020, the government announced it would compensate the families of those killed during the protests.²⁸ As of September 2021, the six families of activists killed whom Human Rights Watch contacted had not received any compensation. In February 2021, the government announced the arrest of members of a “death squad” that had allegedly been responsible for killing at least three activists in the southern city of Basra, convicting one of the men and sentencing him to death in November 2021.²⁹ Baghdad authorities announced in July that they had arrested three low-level security forces officers linked to abuses against protesters, and one man allegedly responsible for the 2020 killing of political analyst Hisham Al-Hashimi.³⁰

A United Nations Assistance Mission to Iraq (UNAMI) report published in May 2021 found that not one of several arrests related to targeted killings appeared to have moved beyond the investigative phase.³¹ As of late September 2021, it appeared that none of the arrests had led to any charges being brought.

The Human Rights Committee should pose the following questions to the government of Iraq:

- *How many investigations has it launched into armed forces’ behaviour during the protests that began in October 2019 and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?*
- *What other measures has it taken to ensure that these abuses are not repeated?*

Torture and Other Forms of Ill-Treatment (art. 7)

²⁶ “Iraq: State Appears Complicit in Massacre of Protesters,” Human Rights Watch news release, December 16, 2019, <https://www.hrw.org/news/2019/12/16/iraq-state-appears-complicit-massacre-protesters#>; “Iraq: Authorities Violently Remove Protesters,” Human Rights Watch news release, January 31, 2020, <https://www.hrw.org/news/2020/01/31/iraq-authorities-violently-remove-protesters#>; UNAMI report, “Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020,” available at <https://www.ohchr.org/Documents/Countries/IQ/Demonstrations-Iraq-UNAMI-OHCHR-report.pdf>; “Iraq’s government says families of nearly 560 killed in protests to be compensated,” *Al Monitor*, July 30, 2020, <https://www.al-monitor.com/originals/2020/07/iraq-protesters-kadhimi.html> (accessed January 20, 2022).

²⁷ Callum Paton, “Iraqi Prime Minister Mustafa Al Kadhimi vows to release detained protesters,” *The National*, May 10, 2020, <https://www.thenationalnews.com/world/mena/iraqi-prime-minister-mustafa-al-kadhimi-vows-to-release-detained-protesters-1.1017131> (accessed January 20, 2022).

²⁸ “Al Kadhimi releases notice regarding the events accompanying protests,” (قوائم بالأسماء وتعيينات.. الكاطمي يطلق تعهداً بشأن الأحداث التي راقت) *Al Hurra*, July 15, 2020, <https://www.alhurra.com/iraq/2020/07/15/%D9%82%D9%88%D8%A7%D8%A6%D9%85-%D8%A8%D8%A7%D9%84%D8%A3%D8%B3%D9%85%D8%A7%D8%A1-%D9%88%D8%AA%D8%B9%D9%88%D9%8A%D8%B6%D8%A7%D8%AA-%D8%A7%D9%84%D9%83%D8%A7%D8%B8%D9%85%D9%8A-%D9%8A%D8%B7%D9%84%D9%82-%D8%AA%D8%B9%D9%87%D8%AF%D8%A7-%D8%A7%D9%84%D8%A3%D8%AD%D8%AF%D8%A7%D8%AB-%D8%B1%D8%A7%D9%81%D9%82%D8%AA-%D8%A7%D9%84%D8%AA%D8%B8%D8%A7%D9%87%D8%B1%D8%A7%D8%AA> (accessed January 20, 2022).

²⁹ “Iraq court sentences man to death for killing 2 journalists,” *AP News*, November 1, 2021, <https://apnews.com/article/coronavirus-pandemic-health-middle-east-iraq-baghdad-d5c340cbe5ec7ebe624950286e8b4427>; “Interrogations with members of the ‘death squad’ accused of carrying out assassinations in Basra,” February 14, 2021, <https://www.alaraby.co.uk/politics/%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D9%85%D8%B9-%D8%B9%D9%86%D8%A7%D8%B5%D8%B1-%D8%A8%D9%80-%22%D9%81%D8%B1%D9%82%D8%A9-%D8%A7%D9%84%D9%85%D9%88%D8%AA%22-%D8%A7%D9%84%D9%85%D8%AA%D9%87%D9%85%D8%A9-%D8%A8%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84%D8%A7%D8%AA-%D9%81%D9%8A-%D8%A7%D9%84%D8%A8%D8%B5%D8%B1%D8%A9> (accessed January 20, 2022).

³⁰ “Iraq says nearly 560 killed in anti-government unrest,” CGTN, July 31, 2020, <https://news.cgtn.com/news/2020-07-31/Iraq-says-nearly-560-killed-in-anti-government-unrest-Szq72ARgUo/index.html> (accessed January 20, 2022); “Al Kadhimi announces the arrest of Hisham al-Hashemi’s killers,” *Shafaq News*, July 16, 2021, <https://shafaq.com/en/Iraq-News/Al-Kadhimi-announces-the-arrest-of-Hisham-Al-Hashemi-s-killers> (accessed January 20, 2022).

³¹ UNAMI report, “Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements: May 2021, Baghdad,” May 2021, available at https://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_Report_Accountability_for_Human_Rights_Violations_and_Abuses_300521.pdf.

UNAMI released a report in August 2021 based on interviews with more than 200 detainees, over half of whom shared credible allegations of torture.³² The report found that the authorities acquiesce in and tolerate the use of torture to extract confessions, a finding consistent with Human Rights Watch reporting on the systemic use of torture by Iraqi and KRG forces to extract confessions in Iraq.³³

Detainees in Nineveh, where authorities are holding the most ISIS suspects, have shared graphic accounts of torture during interrogations in Mosul's prisons under the control of the Ministry of Interior, in some cases leading to the deaths of detainees.³⁴ These allegations are consistent with reports of the widespread use of torture by Iraqi forces to extract confessions instead of carrying out robust criminal investigations.³⁵ Despite commitments by Prime Minister al-Abadi in September 2017 to investigate allegations of torture and extrajudicial killings, authorities seemingly took no steps to investigate these abuses.³⁶

Human Rights Watch reviewed files of 30 cases tried by Baghdad courts between 2009 and 2018 in which defendants alleged torture, and in June and July 2018, sat in on an additional 18 felony trials of ISIS suspects in Baghdad. In 22 cases, the defendants alleged torture to extract confessions, but judges took no action to investigate the allegations, and in only one instance did judicial authorities investigate and sanction an officer.³⁷ A 2019 Human Rights Watch study of appeals court decisions in terrorism-related cases showed that in close to two dozen cases in 2018 and 2019 judges appeared to ignore torture allegations or to rely on uncorroborated confessions.³⁸ Some of the torture allegations had been substantiated by forensic medical exams, and some of the confessions were apparently extracted by force. In each of these cases, the trial courts took the torture allegations seriously, found them credible, assessed the evidence, and acquitted the defendants. Despite this, on prosecution appeal, the Federal Court of Cassation appeared to ignore torture allegations or to rely on uncorroborated confessions and ordered retrials.

Two French citizens transferred from northeast Syria to Iraq in early 2019 and prosecuted in Baghdad for ISIS affiliation told a judge in May 2019 that Iraqi security forces tortured or coerced them into making a confession.³⁹ Also in 2019, one man had to have his arm amputated because of arterial damage caused by torture in custody.⁴⁰

³² "Iraq: Ending torture through accountability, compliance and prevention – UN," UNAMI press release, August 3, 2021, <https://iraq.un.org/en/138505-iraq-ending-torture-through-accountability-compliance-and-prevention-un>

³³ "Iraq: Torture Persists in Mosul Jail," Human Rights Watch news release, April 18, 2019, <https://www.hrw.org/news/2019/04/18/iraq-torture-persists-mosul-jail>; "Kurdistan Region of Iraq: Detained Children Tortured," Human Rights Watch news release, January 8, 2019, <https://www.hrw.org/news/2019/01/08/kurdistan-region-iraq-detained-children-tortured>; "Iraq: ISIS Child Suspects, Arbitrarily Arrested, Tortured," Human Rights Watch news release, <https://www.hrw.org/news/2019/03/06/iraq-isis-child-suspects-arbitrarily-arrested-tortured>.

³⁴ "Iraq: Chilling Accounts of Torture, Deaths," Human Rights Watch news release, August 19, 2018, <https://www.hrw.org/news/2018/08/19/iraq-chilling-accounts-torture-deaths>.

³⁵ "Iraq: Ban Abusive Militias from Mosul Operation," Human Rights Watch news release, July 31, 2016, <https://www.hrw.org/news/2016/07/31/iraq-ban-abusive-militias-mosul-operation>; "Iraq: Flawed Prosecution of ISIS Suspects," Human Rights Watch news release, December 5, 2017, <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects>.

³⁶ Statement by Dr. Saad Al-Hadithi, spokesperson for the Prime Minister's Information Office, August 17, 2017, available at <http://www.pmo.iq/press2017/17-8-20171.htm>

³⁷ "Iraq: Judges Disregard Torture Allegations," Human Rights Watch news release, July 31, 2018, <https://www.hrw.org/news/2018/07/31/iraq-judges-disregard-torture-allegations>.

³⁸ "Iraq: Appeals Courts Ignoring Torture Claims," Human Rights Watch news release, September 25, 2019, <https://www.hrw.org/news/2019/09/25/iraq-appeals-courts-ignoring-torture-claims>.

³⁹ "Iraq: French Citizens Allege Torture, Coercion," Human Rights Watch news release, May 31, 2019, <https://www.hrw.org/news/2019/05/31/iraq-french-citizens-allege-torture-coercion>.

⁴⁰ "Iraq: Amputation Apparently Caused by Torture," Human Rights Watch news release, June 26, 2019, <https://www.hrw.org/news/2019/06/26/iraq-amputation-apparently-caused-torture>.

Authorities detained criminal suspects in overcrowded and in some cases inhumane conditions.⁴¹ A source within the penitentiary system shared with Human Rights Watch photos of overcrowded prison cells in Nineveh holding women and children on charges of ISIS affiliation in conditions so degrading that they amounted to ill-treatment.⁴²

The Human Rights Committee should pose the following questions to the government of Iraq:

- *Is the government encouraging Iraq's High Judicial Council to issue guidelines on the steps judges are obliged to take when a defendant alleges torture?*
- *How many investigations have been carried out into allegations of torture over the last 12 months and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?*
- *Is the government encouraging Parliament to pass the draft Anti-Torture Law?*
- *Is the government urging Parliament to ratify the Optional Protocol to the Convention Against Torture, which would allow prison visits by the United Nations Subcommittee on Prevention of Torture?*
- *Does the government have plans to establish a national torture prevention mechanism?*
- *What other measure is the government taking to combat torture?*

Shackling of Persons with Psychosocial Disabilities (arts. 7, 10, 26)

In Iraq, people with psychosocial disabilities (mental health conditions) can be shackled - chained or locked in confined spaces.⁴³ This inhumane practice exists due to inadequate support and mental health services as well as widespread stigma, such as the belief that mental health conditions are the result of possession by evil spirits or witchcraft.⁴⁴ Lack of financial means to access mental health services has also been reported as the reason why some families resort to shackling.⁴⁵

The UN Special Rapporteur on torture has noted that shackling “unequivocally amount(s) to torture even if committed by non-State actors under conditions in which the State knows or ought to know about them.”⁴⁶

The Human Rights Committee should pose the following questions to the government of Iraq:

- *What official data is available on the number of people who are or have been chained or shackled in Iraq?*
- *What steps has the government taken to develop adequate, quality, and voluntary community-based mental health services?*

⁴¹ “Iraq: Hundreds Detained in Degrading Conditions,” Human Rights Watch news release, March 13, 2017, <https://www.hrw.org/news/2017/03/13/iraq-hundreds-detained-degrading-conditions>; “Iraq: Thousands Detained, Including Children, in Degrading Conditions,” Human Rights Watch news release, July 4, 2019, <https://www.hrw.org/news/2019/07/04/iraq-thousands-detained-including-children-degrading-conditions>.

⁴² “Iraq: Thousands Detained, Including Children, in Degrading Conditions,” Human Rights Watch news release, July 4, 2019, <https://www.hrw.org/news/2019/07/04/iraq-thousands-detained-including-children-degrading-conditions>.

⁴³ Human Rights Watch Report, “Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide”, October 6, 2020, https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf, p. 34.

⁴⁴ Ibid., p.3, 34, 39; “A full episode / a child has been tied with ropes for years in the street under the heat of the sun, rain and cold # Ali_Azab,” (“حلقة كاملة/طفل يربط بالحبال لسنوات في الشارع تحت حرارة الشمس والمطر والبرد # علي عذاب”), video clip, YouTube, <https://www.youtube.com/watch?v=P-sCydrUMws> (accessed January 4, 2022).

⁴⁵ “A young man in his twenties chained in one of the villages of Sulaymaniyah,” (“تقييد شاب عشريني في إحدى قرى السليمانية بالسلاسل”), Rudaw, September 9, 2015, <https://www.rudaw.net/arabic/kurdistan/030920151> (accessed January 4, 2022).

⁴⁶ UNHRC, Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana, Session 31, A/HRC/31/57/Add.2, February 25, 2015, <https://undocs.org/en/A/HRC/31/57/add.2>, para. 72.

Death Penalty (arts. 6, 7)

Iraq has long had one of the highest rates of executions in the world. The judiciary handed down death sentences to many of those convicted of ISIS affiliation under counterterrorism legislation throughout 2016 to 2019 and carried out executions without disclosing official numbers. In 2016, there were at least 63 confirmed executions, including in late August 2016, when Iraqi authorities executed 36 men convicted in a sham mass trial for allegedly participating in ISIS's 2014 execution of between 560 and 770 Shia army recruits stationed at Camp Speicher, outside Tikrit.⁴⁷ Human Rights Watch is aware of at least 78 executions in 2017 of individuals convicted of ISIS affiliation.⁴⁸ In June 2018, after an ISIS attack, Prime Minister al-Abadi called for the "immediate" execution of all convicted "terrorists" on death row, after which authorities announced the execution of 12 men.⁴⁹ In August 2019, authorities released Ministry of Justice data that showed 8,022 detainees were on death row and the state had executed over 100 between January and August 2019.⁵⁰

According to a Ministry of Justice statement in September 2021, authorities were detaining close to 50,000 people for suspected terrorism links, over half of them sentenced to death.⁵¹ Informed sources told Human Rights Watch that at least 21 executions had been carried out in 2021. Those imprisoned for ISIS affiliation reportedly include hundreds of foreign women and children, though children are not sentenced to death.⁵²

The expedited nature of the trials of ISIS suspects raises the concern that courts have been issuing death sentences despite serious due process shortcomings.⁵³

The Penal Code prohibits the use of the death penalty against children and Human Rights Watch knows of no cases of children being executed.⁵⁴

In the KRI, the KRG implemented a de facto moratorium on the death penalty in 2008, banning it "except in very few cases which were considered essential," according to a KRG spokesperson.⁵⁵

The Human Rights Committee should pose the following question to the government of Iraq:

- *Is the government considering putting a moratorium in place to halt executions?*

⁴⁷ "Iraq: Islamic State Executions in Tikrit," Human Rights Watch news release, September 2, 2014, <https://www.hrw.org/news/2014/09/02/iraq-islamic-state-executions-tikrit>.

⁴⁸ Ibid.; "Iraq hangs 42 Sunni militants convicted of terrorism," *Reuters*, September 25, 2017, <https://uk.reuters.com/article/uk-mideast-crisis-iraq-execution/iraq-hangs-42-sunni-militants-convicted-of-terrorism-idUKKCN1C01Q0> (accessed May 18, 2020).

⁴⁹ Human Rights Watch, *World Report 2018* (New York: Human Rights Watch, 2018), Iraq chapter, <https://www.hrw.org/world-report/2019/country-chapters/iraq>.

⁵⁰ Lawk Ghafuru, "Iraq has executed 100 since January, 8,000 on death row: official," *Rudaw*, August 19, 2019, <https://www.rudaw.net/english/middleeast/iraq/190820191> (accessed May 18, 2020).

⁵¹ "Nearly 50,000 People in Iraqi Prisons over Suspected Terrorism Links," *Bas News*, September 6, 2021, https://www.basnews.com/en/babat/711221?__cf_chl_jschl_tk__=pmd_9VK9rodKfKZc6zk5EPkVw5XYIukFglG8gsSs5sfG.Lc-1631001194-0-gqNtZGzNAeWjcnBszQi9 (accessed January 20, 2022).

⁵² "Iraq: Change Approach to Foreign Women, Children in ISIS-Linked Trials," Human Rights Watch news release, June 21, 2018, <https://www.hrw.org/news/2018/06/21/iraq-change-approach-foreign-women-children-isis-linked-trials#>; Human Rights Watch report, "Flawed Justice: Accountability for ISIS Crimes in Iraq," December 5, 2017, <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq#>

⁵³ "Iraq: Flawed Prosecution of ISIS Suspects," Human Rights Watch news release, December 5, 2017, <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects>.

⁵⁴ Human Rights Watch, *World Report 2019* (New York: Human Rights Watch, 2019), Iraq chapter, <https://www.hrw.org/world-report/2019/country-chapters/iraq>.

⁵⁵ Ibid.

- *What concrete steps is the government taking to reform anti-terrorist legislation to guarantee a fair trial for accused persons?*

ISIS Crimes Against the Yazidi Community including Sexual Violence (arts. 2, 3, 6, 7, 8, 9, 12, 14, 23, 24, & 26)

ISIS carried out attacks, including killings of community leaders, and a range of abuses against religious minorities predominantly during 2014 to 2018.⁵⁶ Human Rights Watch and other organizations documented a system of organized rape, sexual slavery, and forced marriage by ISIS forces of Yazidi women and girls from 2014 to 2017.⁵⁷ Some of the crimes perpetrated by ISIS amounted to war crimes and may have constituted crimes against humanity and genocide.⁵⁸ Even in cases in which defendants admitted to subjecting Yazidi women to sexual slavery, prosecutors neglected to charge them with rape, which carries a sentence of up to 15 years. Instead, they have charged them with violating provision 4 of the counterterrorism law, primarily for ISIS membership, support, sympathy, or assistance. Moreover, victims of ISIS abuse, including Yazidis, have not been able to participate in court proceedings.

While Yazidi community leaders have welcomed back women and girl victims of ISIS, there has been more reluctance to accept children born of rape. Some families have told women to not return with such children, forcing the women to abandon their children during escape, their children being forcibly taken away from them after they've escaped, or to remain with their children and forego returning to their families and communities.

On March 1, 2021, Iraq's parliament passed the Law on Yazidi Female Survivors, which recognized crimes committed by ISIS including kidnapping, sexual enslavement, forced marriage, pregnancy, and abortion against women and girls from the Yazidi, Turkmen, Christian, and Shabaks minorities as genocide and crimes against humanity.⁵⁹ The law provides for compensation for survivors, as well as measures for their rehabilitation and reintegration into society and the prevention of such crimes in the future. In September 2021, the parliament passed the necessary regulations to implement the law but by December 2021, little progress had been made towards applying the law.⁶⁰

A 2017 UN Security Council resolution created a UN investigative team to document serious crimes committed by ISIS in Iraq.⁶¹ In 2019, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) assisted Iraqi authorities in exhuming at least 14 mass grave sites left by ISIS in Sinjar, as a first step towards gathering evidence and building criminal cases against ISIS suspects. However, no ISIS member in Iraq has been prosecuted or convicted for those specific crimes so

⁵⁶ "Gunmen kill 5, wound 2 including Mukhtar in unstable Mosul," *Rudaw*, May 9, 2019, <https://www.rudaw.net/english/middleeast/iraq/090520192> (accessed May 18, 2020).

⁵⁷ "Iraq: ISIS Escapees Describe Systematic Rape," Human Rights Watch news release, April 14, 2015, <https://www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape>; "Iraq: Sunni Women tell of ISIS Detention, Torture," Human Rights Watch news release, February 20, 2017, <https://www.hrw.org/news/2017/02/20/iraq-sunni-women-tell-isis-detention-torture>.

⁵⁸ "Iraq: Forced Marriage, Conversion for Yazidis," Human Rights Watch news release, October 11, 2014, <https://www.hrw.org/news/2014/10/11/iraq-forced-marriage-conversion-yazidis>; "UN Panel Reports on ISIS Crimes on Yazidis," Human Rights Watch news release, June 21, 2016, <https://www.hrw.org/news/2016/06/21/un-panel-reports-isis-crimes-yazidis>.

⁵⁹ UN OHCHR news release, "Iraq: UN expert welcomes law to aid ISIL atrocity survivors, but more needs to be done for children born from rape," April 21, 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27018&LangID=E>.

⁶⁰ "Iraq: Yazidi repatriations law progress welcome, but more must be done to assist survivors," Amnesty International press release, November 2, 2021, <https://www.amnesty.org/en/latest/news/2021/11/iraq-yezidi-reparations-law-progress-welcome-but-more-must-be-done-to-assist-survivors/>; "Six months after adoption of the Law on Yazidi Female Survivors no tangible progress has been made toward implementation," Coalition for Just Repatriations press release, September 1, 2021, https://c4jr.org/wp-content/uploads/2021/09/01092021_C4JR-Media-Statement-ENGLISH.pdf

⁶¹ United Nations Security Council, Resolution 2379 (2017), SC 12998, available at <https://www.un.org/press/en/2017/sc12998.doc.htm>.

far.

The Human Rights Committee should pose the following questions to the government of Iraq:

- *How many ISIS suspects have judicial authorities prosecuted specifically for sexual violence crimes, and what were the outcomes of the prosecutions, including the nature of the charges and sentences given?*
- *What steps is the government taking to incorporate war crimes, crimes against humanity and genocide into the criminal code, including modes of liability such as command responsibility?*
- *What steps has the government taken to implement the Law on Yazidi Female Survivors?*

Arbitrary Detention (art. 9)

Iraqi forces arbitrarily detained ISIS suspects, many for months and some for years. According to witnesses and family members, security forces regularly detained suspects without any court order or arrest warrant, and often did not provide a reason for the arrest.⁶²

In 2019 and 2020, Iraqi authorities arbitrarily detained protesters and released them later, some within hours or days and others within weeks, without charge.⁶³ Security forces arrested some Iraqis simply for expressing support for protests with Facebook messages.⁶⁴

Despite requests, the central government failed to disclose which security and military structures have a legal mandate to detain people, and in which facilities.

KRG security forces arbitrarily detained dozens of protesters and journalists at March 2018 protests by civil servants demanding unpaid wages. Some protesters alleged security forces also beat them.⁶⁵ Authorities in Dohuk detained 14 journalists and activists between March and October 2020 in connection with their participation in protests, criticism of local authorities or for their journalistic work.⁶⁶ All of them were held incommunicado for varying periods, up to five months. In February 2021, the Erbil Criminal Court sentenced three of the journalists and two of the activists to six years in prison, based on proceedings marred by serious violations of fair trial standards as well as high-level political interference. As far as Human Rights Watch is aware, it released the other five individuals without charge.

The Human Rights Committee should pose the following question to the government of Iraq:

- *How many investigations have been carried out into allegations of arbitrary detention over the last 12 months and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?*

Enforced Disappearances (art. 9)

⁶² "Iraq: Torture Persists in Mosul Jail," Human Rights Watch news release, April 18, 2019, <https://www.hrw.org/news/2019/04/18/iraq-torture-persists-mosul-jail>.

⁶³ "Iraq: Authorities Violently Remove Protestors," Human Rights Watch news release, January 31, 2020, <https://www.hrw.org/news/2020/01/31/iraq-authorities-violently-remove-protesters>; "Iraq: Abductions Linked to Baghdad Protests," Human Rights Watch news release, December 2, 2019, <https://www.hrw.org/news/2019/12/02/iraq-abductions-linked-baghdad-protests>; "Iraq: Security Forces Attack Medics Treating Protestors," Human Rights Watch news release, November 14, 2019, <https://www.hrw.org/news/2019/11/14/iraq-security-forces-attack-medics-treating-protesters>.

⁶⁴ "Iraq: Arrests for Voicing Protest Solidarity," Human Rights Watch news release, November 4, 2019, <https://www.hrw.org/news/2019/11/04/iraq-arrests-voicing-protest-solidarity>.

⁶⁵ "Kurdistan Region of Iraq: Protestors Beaten, Journalists Detained," Human Rights Watch news release, April 15, 2018, <https://www.hrw.org/news/2018/04/15/kurdistan-region-iraq-protesters-beaten-journalists-detained>.

⁶⁶ "Kurdistan Region of Iraq: Arbitrary arrests and enforced disappearance of activists and journalists," Amnesty International news release, June 15, 2021, <https://www.amnesty.org/en/latest/news/2021/06/kurdistan-region-of-iraq-arbitrary-arrests-and-enforced-disappearance-of-activists-and-journalists/>

Since 2016, Human Rights Watch has documented enforced disappearances by Iraqi security forces. As far as Human Rights Watch is aware, authorities in Baghdad and in the KRI have done little to hold accountable officers implicated in disappearances.

Enforced Disappearances from 2014 to 2017

In 2018, Human Rights Watch reported 78 cases of men and boys forcibly disappeared in Iraq between April 2014 and October 2017.⁶⁷ The majority were detained in 2014, with the most recent in October 2017.

Military and security forces apprehended 34 of the 78 men and boys at checkpoints as part of anti-ISIS terrorism screening procedures and another 37 at their homes. All the disappearances at checkpoints, except one, targeted people who are from or lived in areas that were then under ISIS control.

Of the 78 families interviewed, 38 requested information regarding their missing relatives from Iraqi authorities but received none. Other families had not sought information, fearing inquiries would jeopardize their relatives' well-being. None of the families had a clear idea of which authority they should contact to find out their relatives' whereabouts.

In three different cases, men who were disappeared in 2014 and 2015 and later released said they had been detained for periods ranging from 34 to 130 days by the Popular Mobilization Forces or the National Security Service, a security branch under the prime minister's office, in unofficial detention sites. All said they had been beaten throughout their time in detention.

In three cases out of the 78, family members alleged that the arresting officers used excessive force, in one case leading to a death of another relative.,

The 2016 Fallujah Offensive

The most infamous mass disappearance since 2003 occurred during May-July 2016 military operations by Iraqi security forces against ISIS in the city of Fallujah, in Anbar governorate. At the time, Human Rights Watch reported credible allegations that during the two weeks of fighting, government forces carried out summary executions, beatings of unarmed men, enforced disappearances and mutilation of corpses.⁶⁸

On June 5, 2016, security forces released over 600 men in the Hayy al-Shuhada area in Saqlawiya during the operation, most from the Mahamda clan. The men told an Anbar governorate official, who later spoke with Human Rights Watch, that they saw PMF fighters take away at least another 600 Mahamda men.

A sheikh from Karma, a town northeast of Fallujah, told Human Rights Watch in late May 2016 that within the first few days of the military operation, Iraqi security forces forced civilians living there to leave. During the exodus, at least 70 young men disappeared, he said, and the families had no information as to their whereabouts.

⁶⁷ See Human Rights Watch report, "'Life Without a Father is Meaningless': Arbitrary Arrests and Enforced Disappearances in Iraq in 2014-2017," September 2018, <https://www.hrw.org/report/2018/09/27/life-without-father-meaningless/arbitrary-arrests-and-enforced-disappearances-iraq#5259ae>.

⁶⁸ See "Iraq: Fallujah Abuses Test Control of Militias," Human Rights Watch news release, June 9, 2016, <https://www.hrw.org/news/2016/06/09/iraq-fallujah-abuses-test-control-militias>; "Iraq: Fallujah Abuses Inquiry Mired in Secrecy," Human Rights Watch news release, July 7, 2016, <https://www.hrw.org/news/2016/07/07/iraq-fallujah-abuses-inquiry-mired-secrecy>.

On June 4, 2016, in response to allegations of abuse, then-Prime Minister Haider al-Abadi launched an investigation into abuses in Fallujah and issued orders to arrest those responsible for “transgressions” against civilians.⁶⁹ On June 7, al-Abadi announced the “detention and transfer of those accused of committing violations to the judiciary to receive their punishment according to the law.”⁷⁰ Human Rights Watch directed questions about the composition of the investigative committee, its authority, and relation to the judiciary to five Iraqi government institutions in addition to the human rights section of the United Nations Assistance Mission to Iraq. A member of the parliamentary Human Rights Committee told Human Rights Watch that the committee had started its own investigation and was liaising with the investigation by the prime minister’s office, which remained secret. The other officials contacted did not respond to multiple requests for comment. Human Rights Watch spoke to a member of the prime minister’s investigative committee in early 2017, who said that they would not be issuing any findings because of their sensitivity.

In December 2019, Iraqi authorities announced the discovery of over 500 bodies in a mass grave just outside Fallujah. Families speculated these were the remains of the disappeared Mahamda men.⁷¹ As far as Human Rights Watch is aware, authorities have yet to carry out any exhumations of the site, or confirm to families of the disappeared that this is the location of the bodies of their relatives.

Disappearances of ISIS Suspects

In March 2017, Human Rights Watch reported that Iraq’s Interior Ministry was holding at least 1,269 detainees, including boys as young as 13, without charge in horrendous conditions at three makeshift prisons and with limited access to medical care.⁷² Two of the makeshift prisons were in the town of Qayyarah, 60 kilometers south of Mosul, and the third at a local police station in Hammam al-Alil, 30 kilometers south of Mosul.

Justice Minister Haidar al-Zamili told Human Rights Watch on February 2, 2017 that that the Qayyarah detainees had not been allowed to communicate with their families and that detainees held on terrorism charges had no right under the counterterrorism law (Law No. 13/2005) to communicate with their families during the investigation period. Since 2016, hundreds of families across towns and displacement camps in Iraq have told Human Rights Watch that their relatives were detained on charges of ISIS affiliation, after which they were unable to obtain any information about their whereabouts.

In February 2017, Human Rights Watch reported that groups within the Iraqi military were screening and detaining men fleeing Mosul at an unidentified detention center where they were cut off from contact with the outside world.⁷³ On January 10, 2017, a soldier working at a screening site under the army’s

⁶⁹ “Al-Abadi issues an arrest warrant for people accused of ‘transgressing’ citizens during the battles of Fallujah,” *Al Sumaria*, June 4, 2016, <http://www.alsumaria.tv/news/170306/%D8%A7%D9%84%D8%B9%D8%A8%D8%A7%D8%AF%D9%8A-%D9%8A%D8%B5%D8%AF%D8%B1-%D8%A3%D9%85%D8%B1%D8%A7-%D8%A8%D8%A7%D9%8A%D9%82%D8%A7%D9%81-%D9%85%D8%AA%D9%87%D9%85%D9%8A%D9%86-%D8%A8%D9%80%D8%A7%D9%84%D8%AA%D8%AC%D8%A7%D9%88/ar> (accessed May 19, 2020).

⁷⁰ “Al-Abadi announces the referral of those accused of ‘excesses’ during the battle of Fallujah to the judiciary,” *Al Sumaria*, June 7, 2016, <http://www.alsumaria.tv/news/170547> (accessed May 19, 2020).

⁷¹ “Mass grave containing remains of 643 civilians discovered in Iraq,” *The Independent*, December 15, 2019, <https://www.independent.co.uk/news/world/middle-east/iraq-mass-grave-isis-pmu-fallujah-amnesty-iran-a9247941.html> (accessed May 18, 2020).

⁷² See Human Rights Watch, “Iraq: Hundreds Detained in Degrading Conditions,” March 13, 2017, <https://www.hrw.org/news/2017/03/13/iraq-hundreds-detained-degrading-conditions>.

⁷³ “Iraq: Men Fleeing Mosul Held in Secret,” Human Rights Watch new release, February 2, 2017, <https://www.hrw.org/news/2017/02/02/iraq-men-fleeing-mosul-held-secret>.

control about two kilometers south of eastern Mosul told Human Rights Watch that he had been stationed there for several weeks and that every night PMF fighters from the area would come to the screening site and take away groups of men, whether or not they were on authorities' lists of those "wanted" for ISIS affiliation. A PMF fighter based at the site confirmed to Human Rights Watch in January that his forces were detaining men on a nightly basis, saying the PMF was sure these men were ISIS-affiliated. Human Rights Watch has been unable to locate the any men or families of men detained at the site.

Detained Children in the KRI

Human Rights Watch in November 2018 interviewed 20 boys, ages 14 to 17, charged or convicted of ISIS affiliation, at the Women and Children's Reformatory in Erbil, and three boys who had recently been released.⁷⁴ The reformatory, a locked detention center encircled by high walls and concertina wire, is one of three facilities holding children in the KRI. At the time of the visit, reformatory staff reported that 63 children were being held there for alleged terrorism-related offenses, including 43 who had been convicted. Human Rights Watch also interviewed staff, relatives of some of the children, and two 18-year-olds who had also been arrested and detained.

All of the boys said they were not allowed to communicate with their families while in KRG custody. Once at the reformatory, some children were allowed family visits before trial, but most said they were denied phone calls until after sentencing. For some detainees, the inability to make phone calls meant that their families had no idea where they were. One boy said he had been detained for nearly two years without any family contact. Reformatory staff said that the Asayish, the KRG's security forces, determined whether detainees could receive visits or phone calls.

After Human Rights Watch requested comment, Dindar Zebari responded on December 18, 2018, that families were notified if a child was detained, and that child detainees could call their families with Asayish officers present.

Disappearances of Detainees in Kirkuk

In 2017, Human Rights Watch reported on more than 350 detainees held by the KRG in the city of Kirkuk who were feared to have been forcibly disappeared.⁷⁵ Those missing were mainly Sunni Arabs displaced to Kirkuk or residents of the city detained by the Asayish on suspicion of ISIS affiliation after the KRG forces took control of Kirkuk in June 2014. Local officials told Human Rights Watch that the prisoners were no longer in either official or unofficial detention facilities in and around Kirkuk when Iraqi federal forces regained control of the area on October 16, 2017.

On November 7, 2017, dozens of people demonstrated in Kirkuk, demanding information on their relatives allegedly detained by Asayish forces, which triggered a statement from then-Prime Minister Haider al-Abadi pledging to investigate the disappearances.⁷⁶ On November 8, following the

⁷⁴ “Kurdistan Region of Iraq: Detained Children Tortured,” Human Rights Watch news release, January 8, 2019, <https://www.hrw.org/news/2019/01/08/kurdistan-region-iraq-detained-children-tortured>.

⁷⁵ "Kurdistan Region of Iraq: 350 Prisoners 'Disappeared'," Human Rights Watch news release, December 21, 2017, <https://www.hrw.org/news/2017/12/21/kurdistan-region-iraq-350-prisoners-disappeared>.

⁷⁶ “Al-Abadi directs the investigation of the demands of the families of detainees by the Asayish Kurdistan in Kirkuk,” *Al Sumaria*, November 7, 2017, <https://www.al-wakeelnews.com/2017/11/21/kurdistan-region-iraq-550-prisoners-disappeared/>.

<http://www.alsumaria.tv/news/220834/%D8%A7%D9%84%D8%B9%D8%A8%D8%A7%D8%AF%D9%8A-%D9%8AD9%88%D8%AC%D9%87-%D8%A8%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8AD9%87-%D8%A8%D9%85%D8%B7%D8%A7%D9%84%D8%A8-%D8%A3%D9%87%>

demonstration, Azad Jabari, the former head of the Kirkuk provincial council security committee, reportedly denied that Asayish forces had carried out any disappearances.⁷⁷ He blamed the disappearances on US forces previously present in Kirkuk, saying most of the files of the missing dated from 2003 to 2011 and were not more recent.

However, Kirkuk's acting governor, Rakkan Said, and a Kirkuk police chief told Human Rights Watch that several days after the protest, Asayish forces handed over to Iraqi federal forces in Kirkuk 105 detainees who had first been held in Kirkuk and later transferred to facilities in Sulaymaniyah. Governor Said said that the Iraqi prime minister's office also sent a delegation to Kirkuk to further investigate. Human Rights Watch was unable to reach delegation members about their findings.

On December 12, 2017, a member of the Kirkuk branch of Iraq's Human Rights Commission told Human Rights Watch that families had submitted complaints to the commission against KRG authorities about the disappearance of at least 350 other men whom the Asayish had allegedly detained in and around Kirkuk.

On November 12 and December 17, 2017, Human Rights Watch interviewed 26 people who said they had witnessed identifiable Asayish forces detain 27 of their relatives, all Sunni Arab men, between August 2015 and October 2017 in Kirkuk or south of the city. The witnesses said that they had not been able to communicate with their detained relatives since their arrest, had received no official information about their status and whereabouts, and were concerned about their whereabouts since the Iraqi officials could not locate them.

In all 27 cases, the relatives said they had asked local Asayish or police forces about their relatives but never received an official acknowledgement of their detention or information about where they were being held or why. In some cases, family members said, they were able to obtain information through informal channels indicating that Asayish were holding their relatives in other parts of the KRI.

The relatives of four of the disappeared told Human Rights Watch in December 2017 that over the previous month newly released detainees contacted them to say they had been held in the same cells as their relatives, in al-Salam military base for KRG Peshmerga military forces in *Sulaymaniyah*, where Asayish forces run a number of informal detention facilities.⁷⁸

On May 21, 2020, local media reported that 150 detainees, likely from this group, were handed over to authorities in Kirkuk in a "deal [made] under pressure."⁷⁹ Human Rights Watch was unable to determine what happened to them upon transfer, nor whether more detainees from Kirkuk had remained in custody in *Sulaymaniyah*.

Disappearances Linked to the October 2019-March 2020 Protests

D8%A7%D9%84%D9%8A-%D9%85%D8%B9%D8%AA%D9%82%D9%84%D9%8A%D9%86-%D9%85%D9%86-%D9%82%D8%A8%D9%84/ar (accessed May 19, 2020).

⁷⁷ "Kurdish member of the Kirkuk Council: Asayish did not hold innocent people, and most of the 'disappeared' were arrested by the American forces," *Akhbaar*, November 8, 2017, <https://www.akhbaar.org/home/2017/11/236416.html> (accessed May 19, 2020).

⁷⁸ Human Rights Watch Report, "Caught in the Whirlwind: Torture and Denial of Due Process by the Kurdistan Security Forces", July 2, 2007, <https://www.hrw.org/report/2007/07/02/caught-whirlwind/torture-and-denial-due-process-kurdistan-security-forces>.

⁷⁹ "PUK Hands Over 150 IS Detainees in 'Shady Deal' with Arab Tribal Leaders", *Basnews English*, March 20, 2020, <http://www.basnews.com/en/babat/605311>.

When protests erupted in Baghdad and other cities in central and southern Iraq on October 1, 2019, security forces detained protesters off the streets.⁸⁰ At least seven people, including a 16-year-old boy, were reported missing as of October 7 from Baghdad's Tahrir Square or vicinity, where they were participating in ongoing protests.⁸¹ The families said they visited police stations and government offices seeking information without success, and the government took no tangible measures to locate their relatives. It is unclear whether government security or armed groups carried out the disappearances.

In nine other cases, families, friends and lawyers of people kidnapped or detained at protests or afterwards in Baghdad, Karbala, and Nasriya told Human Rights Watch that their relatives were missing, but that they were too frightened or worried about the consequences for the detained person to provide details.

The Human Rights Committee should pose the following questions to the government of Iraq:

- *How many investigations have been carried out into allegations of enforced disappearance since 2014 and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?*
- *What government efforts are underway to locate people who were forcibly disappeared since 2014?*

Due Process and Fair Trial Violations (art. 14)

Iraqi judges routinely prosecuted ISIS suspects with the overbroad charge of ISIS affiliation, based on Iraqi counterterrorism legislation.⁸² Trials were generally rushed, based on a defendant's confession, and did not involve victim participation. Authorities systematically violated the due process rights of suspects, such as guarantees in Iraqi law that detainees see a judge within 24 hours, have access to a lawyer throughout interrogations, and have their families notified and able to communicate with them.⁸³

Authorities are able to prosecute child suspects as young as 9 with ISIS affiliation in Baghdad-controlled areas and 11 in the KRI, younger than the minimum age of criminal responsibility under international law and in violation of international standards that recognize children recruited by armed groups primarily as victims who should be rehabilitated and reintegrated into society.⁸⁴

In 2021, the KRG's Erbil Criminal Court sentenced three journalists and two activists to six years in prison, based on proceedings marred by serious fair trial violations as well as high-level political interference.⁸⁵ The court rejected the defendants' claims of torture and ill-treatment, citing a lack of evidence. Another journalist was sentenced to one year for misuse of his cell phone and defamation charges in June and September.⁸⁶ Another four activists and journalists arrested in 2020 were awaiting charge as of October

⁸⁰ "Iraq: Abductions Linked to Baghdad Protests," Human Rights Watch news release, December 2, 2019, <https://www.hrw.org/news/2019/12/02/iraq-abductions-linked-baghdad-protests>; "Iraq: Teargas Cartridges Killing Protestors," Human Rights Watch news release, November 8, 2019, <https://www.hrw.org/news/2019/11/08/iraq-teargas-cartridges-killing-protesters>.

⁸¹ "Iraq: Teargas Cartridges Killing Protestors," Human Rights Watch news release, November 8, 2019, <https://www.hrw.org/news/2019/11/08/iraq-teargas-cartridges-killing-protesters>.

⁸² "Iraq: Flawed Prosecution of ISIS Suspects," Human Rights Watch news release, December 5, 2017, <https://www.hrw.org/news/2017/12/05/iraq-flawed-prosecution-isis-suspects>.

⁸³ Ibid.

⁸⁴ "Iraq: ISIS Child Suspects, Arbitrarily Arrested, Tortured," Human Rights Watch news release, <https://www.hrw.org/news/2019/03/06/iraq-isis-child-suspects-arbitrarily-arrested-tortured>.

⁸⁵ "Kurdistan Region of Iraq: Flawed Trial of Journalists, Activists," Human Rights Watch news release, April 22, 2021, <https://www.hrw.org/news/2021/04/22/kurdistan-region-iraq-flawed-trial-journalists-activists#>.

⁸⁶ NRT, "Imprisoned Journalist Omed Baroshki Sentenced to Additional Year in Prison," September 23, 2021, <https://www.nrttv.com/En/detail6/1008> (accessed January 20, 2022).

2021.⁸⁷

The Human Rights Committee should pose the following questions to the government of Iraq:

- *What steps is the government and the Kurdistan Regional Government taking to ensure that due process rights are fully respected in all trials?*
- *What measures does the government and the Kurdistan Regional Government take when it identifies due process violations occurring during judicial proceedings?*
- *Is the government and the Kurdistan Regional Government considering halting prosecutions against children suspected of ISIS affiliation where there is no evidence that they participated in any violent crimes?*

Freedom of Expression and Peaceful Assembly (arts. 9, 19)

For years authorities, including in the KRI, have used vaguely worded laws with provisions on incitement and defamation, that allow prosecutors to bring criminal charges for opinions they object to. Violations of the right to freedom of expression are particularly relevant in the light of protests that broke out across central and southern Iraq in October 2019.

Human Rights Watch examined 33 cases: in 17 of these cases, authorities detained and charged individuals under the laws examined below. In four of these 17 cases, authorities later dropped the charges and released the detainees. In a further 16 cases, authorities detained individuals but released them without charging them at all. Of the 33 cases, 13 were linked to individuals covering and supporting protest activities and seven involved individuals writing about state corruption in mainstream or social media.

Iraq's Penal Code enshrines numerous defamation "crimes" such as "insult[ing] the Arab community" or any government official, regardless of whether the statement is true. Although few individuals served prison time on defamation charges, the criminal process itself acts as a punishment. Reporting on abuses by the security forces is especially risky, as is corruption.

While in most of the cases examined authorities relied on the Penal Code, they also invoked other laws and regulations to limit free speech. In 2014, the Communications and Media Commission (CMC), a "financially and administratively independent institution" linked to Parliament, issued "mandatory" guidelines to regulate media "during the war on terror," which remain in place today.⁸⁸ Human Rights Watch was unable to determine any legal basis for the CMC's "mandatory" guidelines or actions taken by the CMC.

Following the start of widespread protests in October 2019, authorities closed eight television and four radio stations for three months for allegedly violating media licensing rules, based on CMC guidelines, and issued warnings to five other broadcasters over their coverage of the protests. Unidentified armed men raided and damaged the offices of at least three news outlets in October, at least two of which had

⁸⁷ NRT, "In Rights Test for KRG, Activist Barawi and Journalist Baroshki Stand Trial Wednesday in Erbil," September 14, 2021, <https://www.nrttv.com/En/detail6/922> (accessed January 20, 2022).

⁸⁸ Letter from Human Rights Watch to the Communication and Media Commission of Iraq, April 12, 2010, <https://www.hrw.org/news/2010/04/12/letter-communication-and-media-commission-iraq>; "Iraq: Cancel Revocations of TV Station Licenses," Human Rights Watch news release, April 30, 2013, <https://www.hrw.org/news/2013/04/30/iraq-cancel-revocations-tv-station-licenses>; "Iraq: New Guidelines Silence Media," Human Rights Watch news release, July 3, 2014, <https://www.hrw.org/news/2014/07/03/iraq-new-guidelines-silence-media>.

received closure orders or warnings, apparently to disrupt their broadcasting of the protests.⁸⁹ In early April 2020, the CMC suspended Reuters's license for three months and fined it 25 million IQD (US\$21,000) for an April 2 article alleging that the number of confirmed Covid-19 cases in the country was much higher than official statistics indicated.⁹⁰ Authorities lifted the suspension on April 19.⁹¹

KRG authorities used similar laws in force in the KRI to curb free speech, including the Penal Code, the KRI Press Law and Law to Prevent the Misuse of Telecommunications Equipment.

Interviewees who had been criminally charged by the KRG and Baghdad authorities felt that the prosecutions were intended to intimidate critics. Eleven said they did not hear from the prosecution for extended periods, leaving them unsure of whether the cases were still active. One interviewee was forced to sign a confession while in detention, while another three refused to do so, they said. Security forces forced two individuals to sign pledges not to criticize the government again, while another two individuals were released even though they refused to sign the pledge. Eleven said security forces had ill-treated them at the time of arrest or in detention. All 14 journalists and four activists said they regularly received threats, usually from anonymous sources by phone or social media, and sometimes from security forces or government officials.

In addition to previously mentioned protest suppression in Basra in 2018-2019 and elsewhere after October 2019, KRG security forces detained participants in December 2017 protests around Sulaymaniyah and forced them to sign statements promising not to criticize the government.⁹² The detained protesters were held for up to eight days without being taken before a judge and were forced, before being released, to sign commitments not to protest or be critical of the government on social media. Asayish forces also detained three journalists who were covering protests, apparently for their work.

During protests from October to December 2019, the government repeatedly slowed the speed of the internet dramatically to prevent people from uploading and sharing photos and videos of the protests, and blocked messaging apps.⁹³

The Human Rights Committee should pose the following questions to the government of Iraq:

- *What measures is the government taking to ensure that security forces end intimidation, harassment, arrest, or assault punishments of journalists and others for exercising their right to free expression?*

⁸⁹ "Iraq: Lethal Force Used Against Protestors," Human Rights Watch news release, October 10, 2019, <https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters>; "Iraq: Teargas Cartridges Killing Protestors," Human Rights Watch news release, November 8, 2019, <https://www.hrw.org/news/2019/11/08/iraq-teargas-cartridges-killing-protesters>

⁹⁰ "Iraq suspends Reuters for three months over report on coronavirus cases," *Reuters*, April 14, 2020, <https://www.reuters.com/article/us-iraq-reuters/iraq-suspends-reuters-for-three-months-over-report-on-coronavirus-cases-idUSKCN21W1RW> (accessed May 19, 2020).

⁹¹ "Iraq lifts suspension of Reuters license," *Reuters*, April 19, 2020, <https://www.reuters.com/article/us-iraq-reuters/iraq-lifts-suspension-of-reuters-licence-idUSKBN2210LB> (accessed May 19, 2020).

⁹² "Kurdistan Region of Iraq: Protesters, Journalists Detained," Human Rights Watch news release, February 28, 2018, <https://www.hrw.org/news/2018/02/28/kurdistan-region-iraq-protesters-journalists-detained>.

⁹³ "Iraq: Lethal Force Used Against Protestors," Human Rights Watch news release, October 10, 2019, <https://www.hrw.org/news/2019/10/10/iraq-lethal-force-used-against-protesters>; "Iraq introduces nightly internet curfew," Netblocks, October 10, 2019, <https://netblocks.org/reports/iraq-introduces-nightly-internet-curfew-JAp1DKBd> (accessed May 19, 2020); "Iraq shuts down internet again as protests intensify," Netblocks, November 4, 2019, <https://netblocks.org/reports/iraq-shuts-down-internet-again-as-protests-intensify-Q8oOWz8n> (accessed May 19, 2020).

- *What measures is the government taking to direct government officials to stop filing spurious or politically motivated lawsuits against journalists and publications as well as activists for criticizing public figures or institutions?*
- *What measures is the government taking to ensure timely, transparent, and fair investigations of complaints regarding assaults and threats against journalists and activists stemming from their criticism of security forces, public officials, or government policies?*
- *Is the government considering repealing the Communications and Media Commission's "Media Broadcasting Rules"?*
- *Is the government considering removing crimes of defamation or insult from the Penal Code, and categorize them as civil offenses, and amending Penal Code articles on incitement so that the crimes include more specificity?*
- *Is the government considering reintroducing the draft Information Technology Crimes Law to Parliament, and if so, can it share a draft of the text it will be submitting with this committee? Is the Kurdistan Regional Government considering amending the Press Law of the Kurdistan Region to provide clearer guidelines identifying what prohibited speech authorities may block?*
- *Is the Kurdistan Regional Government considering amending the Law to Prevent the Misuse of Telecommunications Equipment in the Kurdistan Region so that the terms "terror," "morals," and "public morals," are identified with more specificity?*

Gender Identity, Sexual Orientation, Morality Laws (art. 26)

Iraq's Penal Code criminalizes adultery, which is a violation of the right to privacy and is discriminatory as it legislated differently to men and women and disproportionately impacts women. A married woman above 18 as well as the man with whom she engages in adultery with can face imprisonment, whereas a married man only faces punishment if he has committed adultery in the marital home.⁹⁴ The law provides that the charge of adultery can only be brought by a spouse against their partner and the charge can be dropped at their request.⁹⁵ However, as women are more likely to be financially tied to their husbands and societal attitudes discriminate against women, men are more likely to pursue such prosecutions against their wives than women are of their husbands.

LGBT people can be arrested under different provisions of the penal code including articles 200(2), 210, 402(1), 403, 404, and 502, aimed at policing morals and public indecency, and limiting free expression (although Human Rights Watch has not documented such cases). Article 401 of the Penal Code holds that any person who commits an "immodest act" in public can be imprisoned for up to six months, a vague provision that could be used to target sexual and gender minorities.

In 2009, the country saw a spate of kidnappings, torture and killings of gay men.⁹⁶ In 2012, the army launched a wave of attacks on people, some perceived as gay and transgender.⁹⁷ Killings of gay men and transgender women reportedly continued in Baghdad into 2017 and 2018.⁹⁸ In late 2012, the government

⁹⁴ Art. 377 of the Penal Code, Law No. 111 of 1969.

⁹⁵ Arts. 378-379 of the Penal Code, Law No. 111 of 1969.

⁹⁶ See Rex Wockner, "Gays killed in Iraq, others allegedly sentenced to death" Between The Lines (April 16, 2009), <https://pridesource.com/article/34669/>; "Iraq: Stop Killings for Homosexual Conduct", Human Rights Watch press release, August 17, 2009, <https://www.hrw.org/news/2009/08/17/iraq-stop-killings-homosexual-conduct>.

⁹⁷ "Iraq: Investigate 'Emo' Attacks", Human Rights Watch press release, March 16, 2012, <https://www.hrw.org/news/2012/03/16/iraq-investigate-emo-attacks>.

⁹⁸ See "Male style icon's body found mutilated in Baghdad," Euronews, July 3, 2017, <https://www.euronews.com/2017/07/03/male-model-mutilated-and-killed-in-baghdad> (accessed January 18, 2022); Sara Al Shurafa, "Iraqi teenager brutally killed because of his looks", Gulf News (October 11, 2018), <https://gulfnews.com/world/mena/iraqi-teenager-brutally-killed-because-of-his-looks-1.2288828> (accessed January 18, 2022).

established a committee to address abuses against LGBT people, but activists told Human Rights Watch that this committee took few tangible steps to protect LGBT people before disbanding.⁹⁹

In 2021, Iraqi security forces arbitrarily arrested LGBT people based solely on their gender non-conforming appearance, and subjected them to ill-treatment including torture, forced anal exams, and sexual violence, in police custody. Security forces also physically, verbally and sexually harassed people they perceived as LGBT at checkpoints. In June 2021, police in the KRI issued arrest warrants based on article 401 against 11 LGBT rights activists, who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group.

The Iraqi government has failed to hold accountable members of various armed groups who in recent years have abducted, raped, tortured, and killed LGBT people with impunity. Based on 54 interviews with LGBT Iraqis who have survived compounded forms of violence and discrimination by state and non-state actors between 2018 and 2021, Human Rights Watch documented eight cases of abduction, eight cases of attempted murder, four extrajudicial killings, 27 cases of sexual violence including gang rape, 45 cases of threats to rape and kill, and 42 cases of online targeting by individuals who identified themselves as members of suspected armed groups and security forces against LGBT people in Iraq. In eight cases, abuses by armed groups and state actors, including arbitrary arrest and sexual violence, were against children as young as 15.

The Human Rights Committee should pose the following questions to the government of Iraq:

- *Can the government share the number of people that have been convicted for violation of article 394, where the defendant was also a child at the time, and 401 of the Penal Code in the past four years, and provide a breakdown by sex or gender?*
- *What steps is the government taking to repeal or amend any legislation that criminalizes consensual sexual relations between adults and children of similar ages?*
- *What steps is the government taking to investigate all reports of armed group or other violence against people targeted due to their actual or perceived sexual orientation or gender identity and expression?*
- *What measures is the government taking to end torture, disappearances, summary killings, sexual violence, and other abuses based on sexual orientation and gender expression and identity?*
- *Is the government considering working with Parliament to pass comprehensive legislation that prohibits discrimination on the grounds of sex, gender, gender identity and sexual orientation and include effective measures to identify and address such discrimination and gives victims of discrimination an effective remedy?*
- *Is the government working to ensure that no victim of a crime is denied assistance, arrested, or harassed on the basis of their gender identity or their sexual orientation, and safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest?*

Collective Punishment (arts. 2, 12, 14, 26)

In March 2020, the government endorsed a National Plan to Address Displacement in Iraq calling for a thoughtful and sustainable approach to assisting Iraq's protracted displaced population.¹⁰⁰ However, the

⁹⁹ "Iraq: Cleric's Call Against Anti-LGBT Violence", Human Rights Watch press release, August 18, 2016, <https://www.hrw.org/news/2016/08/18/iraq-clerics-call-against-anti-lgbt-violence>.

¹⁰⁰ UN OCHA Iraq, Humanitarian Bulletin, "Government of Iraq National Plan to End Displacement," May 2021, available at https://reliefweb.int/sites/reliefweb.int/files/resources/may_2021humanitarian_bulletin.pdf

government closed 16 camps between October 2020 and January 2021, leaving at least 34,801 displaced people without assurances that they could return home safely, get other safe shelter, or have access to affordable services.¹⁰¹ Many residents were female-headed households displaced by fighting between ISIS and the Iraqi military from 2014 to 2017, and many of these families were being labeled ISIS-affiliated.

Only three camps remain open in Baghdad-controlled territory, two in Nineveh and another in Anbar.

In July 2021, the Iraqi army unlawfully evicted 91 families from a village in Salah al-Din to one of the Nineveh camps in an apparent family feud involving a government minister.¹⁰²

In 2021, security forces continued to deny security clearances, required to obtain identity cards and other essential civil documentation, to thousands of Iraqi families the authorities perceived to have ISIS affiliation, usually based on accusations that an immediate family member of theirs had joined the group.¹⁰³ This denied them freedom of movement, their rights to education and work, and access to social benefits and birth and death certificates needed to inherit property or remarry.¹⁰⁴

Authorities continued to prevent thousands of children without civil documentation from enrolling in state schools, including state schools inside camps for displaced people.¹⁰⁵

The government allowed some families to obtain security clearances if they filed a criminal complaint disavowing any relative suspected of having joined ISIS, after which the court issues them a document to present to security forces enabling them to obtain their security clearances.¹⁰⁶

At least 30,000 Iraqis who fled Iraq between 2014 and 2017, including some who followed ISIS as it retreated from Iraqi territory, were held in and around al-Hol camp in northeast Syria.¹⁰⁷ In May 2021, the Iraqi government repatriated 95 Iraqi families from al-Hol and in September at least another 20 families.¹⁰⁸ Authorities have prevented some of them from leaving the camp freely, retaining cell phones, or returning home.

The KRG continued to prevent thousands of Arabs from returning home to villages

¹⁰¹ "Iraq: Inadequate Plans for Camp Closures," Human Rights Watch news release, June 3, 2021, <https://www.hrw.org/news/2021/06/03/iraq-inadequate-plans-camp-closures#>

¹⁰² "Iraq: Apparent Familial Feud Drives Illegal Evictions," Human Rights Watch news release, August 11, 2021, <https://www.hrw.org/news/2021/08/11/iraq-apparent-familial-feud-drives-illegal-evictions#>

¹⁰³ Belkis Wille, "Iraq: Not a Homecoming" Human Rights Watch witness piece, June 14, 2019, <https://www.hrw.org/news/2019/06/14/iraq-not-homecoming#>

¹⁰⁴ Alexandra Saieh, "Ignoring Iraq's Most Vulnerable Displaced Families Undermines US Stabilization Agenda in Iraq," Just Security, August 18, 2020, <https://www.justsecurity.org/72004/ignoring-iraqs-most-vulnerable-displaced-families-undermines-us-stabilization-agenda-in-iraq/>; "Managing Return in Anbar: Community Responses to the Return of IDPs with Perceived Affiliation," IOM Iraq report, 2020, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Iraq%20Managing%20Return%20to%20Anbar-Community%20Responses%20to%20the%20Return%20of%20IDPs%20with%20Perceived%20Affiliation%5B1%5D.pdf>; "Iraq: Schools Doors Barred to Many Children," Human Rights Watch news release, August 28, 2019, <https://www.hrw.org/news/2019/08/28/iraq-school-doors-barred-many-children#>

¹⁰⁵ "Iraq: Schools Doors Barred to Many Children," Human Rights Watch news release, August 28, 2019, <https://www.hrw.org/news/2019/08/28/iraq-school-doors-barred-many-children#>

¹⁰⁶ Belkis Wille, "Iraq: Not a Homecoming" Human Rights Watch witness piece, June 14, 2019, <https://www.hrw.org/news/2019/06/14/iraq-not-homecoming#>

¹⁰⁷ UN OCHA Syria, "Syria: Humanitarian Response in Al Hol Camp – Situation Report No. 5 As of 5 July 2019," July 5, 2019, available at <https://reliefweb.int/report/syrian-arab-republic/syria-humanitarian-response-al-hol-camp-situation-report-no-5-5-july>

¹⁰⁸ Sam Mednick, "Inside the troubled repatriation of Iraqis from Syria's al-Hol camp," The New Humanitarian, June 7, 2021, <https://www.thenewhumanitarian.org/news-feature/2021/6/7/Iraqi-repatriations-Syria-al-Hol-camp-fear> (accessed January 20, 2022); Zana Omer and Sirwan Kajjo, "Hundreds of Iraqi Nationals Leave al-Hol, Refugee Camp in Syria," Voice of America, September 30, 2021, <https://www.voanews.com/a/hundreds-of-iraqi-nationals-leave-al-hol-refugee-camp-in-syria-/6252265.html> (accessed January 20, 2022).

in the Rabia subdistrict and Hamdaniya district, areas where KRG forces had pushed ISIS out and taken territorial control in 2014 but allowed local Kurdish villagers to return to those same areas.¹⁰⁹

The Human Rights Committee should pose the following questions to the government of Iraq:

- *What is the government's strategy to overcome the obstacles that families with perceived ISIS affiliation continue to face in accessing security clearance, civil documentation, and government services?*
- *What are the current justifications for movement restrictions against individuals with perceived ISIS affiliation?*
- *So long as obstacles remain for families with perceived ISIS affiliation in accessing security clearance and civil documentation, what measures is the government taking to make sure that they have access to all government services that they have a right to?*
- *So long as obstacles remain for children with perceived ISIS affiliation in obtaining a valid birth certificate, what measures is the government taking to make sure that they are able to enroll in school?*

¹⁰⁹ "Kurdistan Region of Iraq: Arabs Blocked from Returning," Human Rights Watch News Release, July 19, 2020, <https://www.hrw.org/news/2020/07/19/kurdistan-region-iraq-arabs-blocked-returning>; "Kurdistan Region of Iraq: Arabs Not Allowed Home," Human Rights Watch News Release, September 6, 2019, <https://www.hrw.org/news/2019/09/06/kurdistan-region-iraq-arabs-not-allowed-home#>