

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1326
Land:	Irak
Kilde:	Human Rights Watch
Titel:	Submission by Human Rights Watch to the UN Human Rights Committee in advance of its review of Iraq
Udgivet:	1. august 2020
Optaget på baggrundsmaterialet:	1. september 2020

العربية 简体中文 English Français Deutsch 日本語 Русский Português Español

+

More

August 7, 2020 4:06AM EDT

HUMAN
RIGHTS
WATCH

Submission by Human Rights Watch to the UN Human Rights Committee in advance of its review of Iraq

August 2020

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 October-November 2020. We hope it will inform the Human Rights Committee's preparation for its 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's country page on Iraq: <https://www.hrw.org/middle-east/n-africa/iraq>

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

Domestic violence remains a serious problem in Iraq. The Iraq Family Health Survey (IFHS) of 2006/7 found that one in five Iraqi women are subject to physical domestic violence.^[1] 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, 6 percent physical violence, and nine percent sexual violence.^[2]

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. Iraq's penal code, applicable in both Baghdad-controlled territory and the KRI, criminalizes physical assault but lacks explicit mention of domestic violence.^[3] Instead, article 41(1) gives a husband a legal right to "punish" his wife, and parents to discipline their children "within limits prescribed by law or custom." The Penal Code provides for mitigated sentences for violent acts, including murder, for "honorable motives" or for catching one's wife or female relative in the act of adultery or sex outside of marriage.

Iraqi parliamentary efforts to pass a draft law against domestic violence applicable in Baghdad-controlled areas stalled throughout 2019

MORE READING

July 16, 2020 | Commentary

Russia Eviscerates Syria Cross-Border Aid Program Despite Pandemic

July 9, 2020 | Statement

Human Rights Council should urgently address impunity for summary executions

MOST VIEWED

1 August 14, 2020 | Dispatches

Horrific Video Shows Cameroon Killing

2 April 14, 2020 | Commentary

Gay Sex Still a Crime in Singapore Thanks to Dubious Legal Rulings

3 May 26, 2020 | Dispatches

Two Years in Prison for Gay Sex in Turkmenistan

4 August 24, 2020 | Commentary

I Came to Work in Qatar to Pursue My Dreams, But My Life is a Nightmare

5 August 6, 2020 | News Release



and to date in 2020.[4] The 2019 version of the draft seen by Human Rights Watch includes [provisions](#) for services for domestic violence survivors, protection (restraining) orders, penalties for their breach, and the establishment of a cross-ministerial committee to combat domestic violence.[5] However, the bill has several gaps and provisions that would [undermine](#) its effectiveness. One major problem is that the draft law prioritizes reconciliation over protection and justice for victims.[6]

Iraq has few working [shelters](#) and 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. 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 and forced prostitution, by family members or their husband.[7]

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

- What measures is the government taking to combat 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 to ensure that it effectively prevents domestic violence, protects survivors and prosecutes abuse? And what steps is it taking to ensure that this bill passes as a matter of urgency?

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

During the battles against the Islamic State (also known as 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.[8] 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 the abuses on social media sites.[9] 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.[10] 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.[11] 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.[12]

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 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.^[13] 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.^[14] 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.^[15]

Clashes with security forces left at least 600 protesters dead in Baghdad and Iraq's southern cities from October 2019 onwards.^[16] In Baghdad security forces, in addition to live ammunition, fired teargas cartridges, in some cases directly at protesters, killing at least 16.^[17] Security forces also used live ammunition in other cities.^[18] Security forces threatened and fired at medics treating protesters.^[19]

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)

For many years, Human Rights Watch has received reports of the widespread use of torture, including of children, by Iraqi and KRG forces to extract confessions.^[20]

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.^[21] 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.^[22] 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.[23]

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. [24] 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.[25] 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.[26] Also in 2019, one man had to have his arm amputated because of arterial damage caused by torture in custody.[27]

Authorities detained criminal suspects in overcrowded and in some cases inhumane conditions.[28] 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.[29]

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?

Death Penalty (arts. 6, 7)

Iraq has long had one of the highest rates of executions in the world, alongside China, Iran, and Saudi Arabia. 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.^[30] Human Rights Watch is aware of at least 78 executions in 2017 of individuals convicted of ISIS affiliation.^[31] 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.^[32] In August 2019, authorities released Ministry of Justice data that showed 8022 detainees were on death row and the state had executed over 100 between January and August 2019.^[33]

The expedited nature of the trials of ISIS suspects raises the concern that courts have been issuing death sentences despite serious due process shortcomings.^[34]

The Penal Code prohibits the use of the death penalty against children and Human Rights Watch knows of no cases of children being executed. ^[35]

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. ^[36]

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?
- 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.^[37] 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.^[38] Some of the crimes perpetrated by ISIS amounted to war crimes and may have constituted crimes against humanity and genocide.^[39] 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 either abandon their children during escape or to remain with their children and forego returning to their families and communities. On April 7, 2019, President Barham Salih submitted a draft Law on Support to Yazidi Women Survivors to Parliament. The draft, which was shared with Human Rights Watch, aims to rehabilitate, reintegrate and provide economic empowerment to Yazidi female survivors, and provides symbolic recognition of genocide committed against Yazidis. However, the draft law has a number of shortcomings, including that the definition of survivors relates only to Yazidi women who were kidnapped by ISIS and then released. It does not include men and boys, girl survivors, or victims from other communities also attacked and kidnapped by ISIS.

A 2017 [UN Security Council resolution](#) created a UN investigative team to document serious crimes committed by ISIS in Iraq.^[40] 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 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 have been taken to consult with survivors and civil society on the draft Law on Support to Yazidi Women Survivors, including broadening the scope to include other survivors of ISIS, ensuring confidentiality of information and data, providing that reparations are in line with international human rights law including programs to deal with stigma against victims and children born of rape, as well as specific guidelines on children born to women 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.^[41]

In 2019 and 2020, Iraqi authorities arbitrarily detained protesters and released them later, some within hours or days and others within weeks, without charge.^[42] Security forces arrested some Iraqis simply for [expressing support](#) for protests with Facebook messages.^[43]

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 detained at least 84 protesters and four journalists in late March 2018 in Akrea, Dohuk and Erbil. Many of the detentions appeared to be arbitrary, either because persons were detained for exercising their right to peaceful assembly, or because authorities ignored their right under Iraqi law to be brought before a judge within 24 hours. Twelve witnesses said security forces beat many demonstrators as they attempted to detain them in the cities of Akre, Dohuk, and Erbil. Human Rights Watch received reports of arrests in other towns, including Shiladze, Soran, and Zakho during the same time period.

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.[\[44\]](#)

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)

Since 2016, Human Rights Watch has documented enforced disappearances by Iraqi security forces. As far as the organization 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.[\[45\]](#) 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 but one targeted people who are from or lived in areas that were then under ISIS control. In most cases of people arrested at home, security forces gave the families no reason for the arrests, although families suspected the reasons were related to the detainees' Sunni Arab identity. In at least six of these cases, the circumstances or remarks of arresting officers indicated that the arrests may have been related to the fight against ISIS.

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 (PMF or Hashad, formally under the control of the prime minister) 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.

In June 2018 Human Rights Watch sent questions and a list of the disappeared and the approximate dates and locations where they were last seen to Haidar Ukaili, the human rights adviser to the Prime Minister's Advisory Council in Baghdad, and Dindar Zebari, the KRG's coordinator for international advocacy. Baghdad authorities provided no response. On September 18, 2018 the KRG provided the number of individuals its forces detained for ISIS affiliation and its arrest procedures, but did not respond to Human Rights Watch's specific queries, including the whereabouts of individuals included in the report. As far as Human Rights Watch is aware, the families whose relatives were featured in the report have yet to receive any information on their whereabouts.

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.^[46]

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. The sheikh said that on June 1, 2016 *Iraqi* Parliament Speaker Salim al-Jibouri had come to the area to speak to local elders and the military. A member of Anbar governorate council confirmed the number of missing men to Human Rights Watch and said that the government had opened investigations to determine where they are.

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.^[47] 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."^[48] 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.^[49] 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.^[50] 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 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.^[51] On January 10, 2017 a soldier working at a screening site under the army's 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.^[52] 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. ^[53] 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.^[54] On November 8, following the demonstration, Azad Jabari, the former head of the Kirkuk provincial council security committee, reportedly denied that Asayish forces had carried out any disappearances.^[55] 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.^[56]

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."^[57] 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

When protests erupted in Baghdad and other cities in central and southern Iraq on October 1, 2019, security forces detained protesters off the streets.^[58] At least seven people, including a boy of 16, were reported missing as of October 7 from Baghdad's Tahrir Square or vicinity, where they were participating in ongoing protests. Four were still missing as of December 2, 2019.^[59] 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.

Human Rights Watch reported on the November 2, 2019 abduction of Saba Farhan Hameed, 36, as she was on her way home from providing food, water, and first aid kits to protesters in Tahrir Square. Hameed's family said she was blindfolded throughout her abduction and released on November 13, but could not provide other details. [60] Human Rights Watch documented the [abduction](#) of Maytham al-Helo, a Baghdad resident, on October 7, during the first wave of protests. He was released on October 24 but declined to provide details about his abduction. [61]

The brother of Omar Kadim Kadi'a said that Kadi'a had been living in Tahrir Square since a second wave of protests started on October 25. Kadi'a came home on November 20 to shower but then left, and his family had not been able to reach him since. His brother said that on November 25 they noticed that Kadi'a's phone had been turned back on, because their phones suddenly showed that their messages to him had been read, but they then called many times and got no answer. He said that another brother filed a missing person complaint at a Baghdad police station but the police showed little interest and, as far as he knew, did not investigate. After Kadi'a was released on November 28, he told Human Rights Watch that Federal Police had arrested him at a checkpoint en route to the protests on November 20 and brought him before a judge on November 21, who told him he was not being charged with anything. [62]

A man in Baghdad said on October 22 that he had last spoken, by phone on October 3 at 5 p.m., to his brother Abbas Yaseen Kadim, who was at the Tahrir Square protest that day. When the brother tried to call Kadim at 8 p.m. that evening, the phone was turned off. The brother went to four police stations seeking information but found out nothing, and police did not offer any assistance in locating him. Kadim was still missing as of December 2019. [63]

Another man, who did not want to be named, said that a relative, Saif Muhsin Abdul Hameed, had come to Baghdad on October 25 for the protests and was sleeping in a tent with friends at Tahrir Square. When he spoke to Abdul Hameed at around noon on October 28, Abdul Hameed told him he was on Jumhuriya Bridge, the front line of the protests. After that, Abdul Hameed's phone was turned off. The man said he went to police stations and government offices but was not able to get any information, and police said they did not have enough information to follow up on the case. Abdul Hameed was still missing as of December 2019. [64]

A relative of Mari Mohammed Harj, a woman from Baghdad, said on November 13 that on October 29, Harj [posted](#) a video of herself on Facebook criticizing the prime minister and expressing support for the protesters. The video went viral, her relative said, at which point Facebook users the family did not know started posting accusations that Harj had ties to Saudi Arabia and making death threats against her. The relative said she last spoke to Harj, who was at Tahrir Square, at 5 p.m. on November 8, but that when she called at 9 p.m. that evening Harj's phone was turned off. She said Harj's father and uncle went to two police stations in Baghdad but got no information. They asked the police to seek cell phone tower data to help figure out where she was and file a missing person report, but did not think the police had investigated. Harj was released on November 12 but would not share details of her abduction with Human Rights Watch.

The sister of Mustafa Munthir Ali, who was in Tahrir Square every day starting on October 1 helping as an ad hoc medic, said he had stopped answering her calls when she phoned at 3 a.m. on November 15. She said she went to Tahrir Square later that morning and could not find Ali at police stations or on any prisoner lists she checked. She said she did not know how to file a missing person claim and the police would not help. Ali managed to call his family on November 17, said his father, who was able to visit him on November 20 in detention in [Muthana](#), an old military base in Baghdad that now houses detention facilities run by various government security apparatuses.

Ali told his father that at midnight on November 14, a man in civilian clothes dragged him from the protest to a group of officers who arrested him, took him to the Baghdad Operations Command office, and beat him. Ali said that on November 16, officers brought him before a judge, who told him that he was not being charged but that the judge could not order his release until “the government resigns or the protests end.” The father said Ali confirmed that other protesters were being held at Muthana. Human Rights Watch was not able to directly verify his account.

A cousin of Sinan Adil Ibrahim said on November 25 that he had spoken on November 21 to Ibrahim, who was at the Tahrir Square protest. He called Ibrahim again at 2 a.m. on November 22 to find that his phone was turned off. The family was afraid to describe steps they have taken to secure his release.

Hassan Ahmed Hatim, 16, went to the Tahrir Square protest on November 28, and his family has not been able to reach or locate him since, his father said. His father went to three police stations but got no information and none offered to file a missing-persons claim or any other help. Hatim was still missing as of December 2019. [\[65\]](#)

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.[\[66\]](#) 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.[\[67\]](#)

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.^[68]

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

- What steps is the government taking to ensure that due process rights are fully respected in all trials?
- What measures does the government take when it identifies due process violations occurring during judicial proceedings?
- Is the 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, which dates back to 1969, 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.^[69] 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 received closure orders or warnings, apparently to disrupt their broadcasting of the protests.^[70] 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.^[71] Authorities lifted the suspension on April 19.^[72]

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.^[73] 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.^[74]

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?
- 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)

Article 394 of Iraq’s Penal Code makes it illegal to engage in extra-marital sex, a violation of the right to privacy which disproportionately impacts women who can be prosecuted for extramarital sex if their reports of rape are not believed or where they are found pregnant outside of wedlock.^[75] While the Penal Code does not prohibit same-sex sexual relations, this provision could be used in such cases (although Human Rights Watch has not documented such cases). Paragraph 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, although such cases have not been documented.

In 2009, the country saw a spate of [kidnappings](#), torture and killings of gay men.^[76] In 2012, the army launched a [wave of attacks](#) on people, some perceived as gay and transgender.^[77] Killings of gay men and transgender women reportedly continued in Baghdad into 2017 and 2018.^[78] In late 2012, the government established a committee to address abuses against lesbian, gay, bisexual, and transgender (LGBT) people, but activists told Human Rights Watch that this committee took few tangible steps to protect LGBT people before disbanding.^[79]

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 articles 394 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 article 394?
- 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)

Thousands of Iraqi families perceived to have ISIS affiliation, usually because of family name, tribal affiliation, or area of origin, were often denied security clearances required to obtain identity cards and all other essential civil documentation.^[80] This restricted their freedom of movement, right to education, and right to work, as well as access to welfare benefits and birth and death certificates needed to inherit property or remarry.^[81] Denial of security clearances also blocked families from making claims to the commissions established in 2009 to compensate Iraqis affected by terrorism, military operations, and military errors, and from bringing court cases or challenging seizure of property by security forces or local families.^[82]

Some families were able to obtain security clearance if they were willing to first appear before a judge to open a criminal complaint against their relative who was suspected of having joined ISIS, in a process known as *tabriya*.^[83] After individuals opened the criminal complaint, the court issued them a document to present to security forces to obtain their security clearance. This mechanism was particularly effective in Anbar governorate, where most families with relatives suspected of ISIS affiliation that Human Rights Watch interviewed in 2019 had been able to obtain security clearance through *tabriya*.

In 2019, thousands of children without civil documentation were prevented from enrolling in state schools, including schools inside camps for displaced people.^[84]

Lawyers and aid workers providing assistance to families with perceived ISIS affiliation reported that security forces threatened and in some instances detained them for providing these services.^[85]

Forced returns and blocked returns of displaced persons persisted throughout 2019. In early July security forces launched screenings across camps for displaced people in Nineveh to determine their places of origin and possible links to ISIS.^[86] Over the next two months, authorities in Nineveh and Salah al-Din evicted hundreds of displaced people in camps outside of their governorate of origin, in some cases transporting them to their home communities despite families' serious security concerns.^[87]

At least 30,000 Iraqis who fled Iraq between 2014 and 2017, including some who followed ISIS as it retreated from Iraqi territory, were housed in and around al-Hol camp in northeast Syria.^[88] In 2019 the Iraqi government prepared to bring its nationals back and confine them in de facto detention camps because of perceived links to ISIS. The government discussed broader plans to detain families with perceived ISIS affiliation in a mass internment scheme but has yet to agree on such a plan.^[89] It has taken no further measures regarding the population residing in northeast Syria yet.

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?

[1] 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).

[2] 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).

[3] Parliament of Kurdistan, Act No. 8 from 2011, http://www.ekrg.org/files/pdf/combat_domestic_violence_english.pdf.

[4] XX

[5] See Parliament of Iraq, Draft Law on Domestic Violence (16 Sept. 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.uniraq.org/index.php?option=com_k2&view=item&id=12156:un-in-iraq-raises-the-alarm-time-to-endorse-the-anti-domestic-violence-law&Itemid=605&lang=en (accessed May 18, 2020).

[6] 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>.

[7] "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>.

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

[9] "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>.

[10] “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>.

[11] “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>

[12] “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>.

[13] “Iraq/Kurdistan Region of Iraq: Troops Shoot at Protestors,” Human Rights Watch news release, March 30, 2017, <https://www.hrw.org/news/2017/03/30/iraq/kurdistan-region-iraq-troops-shot-protesters>.

[14] “Iraq: Security Forces Fire on Protestors,” Human Rights Watch news release, July 24, 2018, <https://www.hrw.org/news/2018/07/24/iraq-security-forces-fire-protesters>.

[15] “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>.

[16] “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>.

[17] UNAMI, *Human Rights Special Report: Demonstrations in Iraq - 2nd update*, at 4 (Dec. 2019), https://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3406_7184ecc61a5d36dc47b5732282f27395&Itemid=650&lang=en.

[18] “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>; Ahmed Aboulenein and Raya Jalabi, “Iraqi forces shoot dead 13 protestors in renewed crackdown,” *Reuters*, November 5, 2019, <https://www.reuters.com/article/us-iraq-protests/iraqi-forces-shoot-dead-13-protesters-in-renewed-crackdown-idUSKBN1XFOX8> (accessed May 18, 2020); “2 Killed in Karbala as Iraq Protestors Battle for Baghdad Bridges,” *Asharq Al-Aswat*, November 6, 2019, <https://english.aawsat.com/home/article/1978731/2-killed-karbala-iraq-protesters-battle-baghdad-bridges> (accessed May 18, 2020).

[19] “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>;

[20] “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>.

[21] “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>.

[22] “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> (accessed May 18, 2020); “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>.

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

[24] “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>.

[25] “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>.

[26] “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>.

[27] “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>.

[28] “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>.

[29] “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>.

[30] “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>.

[31] “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>; “Iraq hangs 42 Sunni militants convicted of terrorist,” 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).

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

[33] 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).

[34] “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>.

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

[36] Ibid.

[37] “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).

[38] “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,” HRW news release, February 20, 2017, <https://www.hrw.org/news/2017/02/20/iraq-sunni-women-tell-isis-detention-torture>.

[39] “Iraq: Forced Marriage, Conversion for Yezidis,” Human Rights Watch news release, October 11, 2014, <https://www.hrw.org/news/2014/10/11/iraq-forced-marriage-conversion-yezidis> (accessed May 18, 2020); “UN Panel Reports on ISIS Crimes on Yezidis,” Human Rights Watch news release, June 21, 2016, <https://www.hrw.org/news/2016/06/21/un-panel-reports-isis-crimes-yezidis> (accessed May 18, 2020).

[40] UNSC Res. 2379 (2017), <https://www.un.org/press/en/2017/sc12998.doc.htm>.

[41] “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>.

[42] “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>.

[43] “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>.

[44] “Kurdistan Region of Iraq: Protestors Beaten, Journalists Detained,” April 15, 2018, <https://www.hrw.org/news/2018/04/15/kurdistan-region-iraq-protesters-beaten-journalists-detained>.

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

[46] 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>.

[47] “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).

[48] “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).

[49] “Mass grave containing remains of 643 civilians discovered in Iraq,” 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).

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

[51] “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>.

[52] “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>.

[53] 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>.

[54] “Al-Abadi directs the investigation of the demands of the families of detainees by the Asayish Kurdistan in Kirkuk,” Al Sumaria, November 7, 2017, <http://www.alsumaria.tv/news/220834/%D8%A7%D9%84%D8%B9%D8%A8%D8%A7%D8%AF%D9%8A-%D9%8A%D9%88%D8%AC%D9%87-%D8%A8%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D8%A8%D9%85%D8%B7%D8%A7%D9%84%D8%A8-%D8%A3%D9%87%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).

[55] “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).

[56] Human Rights Watch, *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>.

[57] “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>.

[58] “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>.

[59] “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>.

[60] Ibid.

[61] Ibid.

[62] Ibid.

[63] Ibid.

[64] “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>.

[65] Ibid.

[66] “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>.

[67] Ibid.

[68] “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>.

[69] 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>.

[70] “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>

[71] “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).

[72] “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).

[73] <https://www.hrw.org/news/2018/02/28/kurdistan-region-iraq-protesters-journalists-detained>.

[74] “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).

[75] “Iraq: Cleric’s Call Against Anti-LGBT Violence,” Human Rights Watch news release, August 18, 2016, <https://www.hrw.org/news/2016/08/18/iraq-clerics-call-against-anti-lgbt-violence>.

[76] 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>.

[77] “Iraq: Investigate ‘Emo’ Attacks”, Human Rights Watch press release, March 16, 2012, <https://www.hrw.org/news/2012/03/16/iraq-investigate-emo-attacks>.

[78] 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>; 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>.

[79] “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>.

[80] Belkis Wille, “Iraq: Not a Homecoming,” commentary, Human Rights Watch witness piece, June 14, 2019, <https://www.hrw.org/news/2019/06/14/iraq-not-homecoming>.

[81] “Iraq: School 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>.

[82] “Iraq: Families of Alleged ISIS Members Denied IDs,” Human Rights Watch news release, February 25, 2018, <https://www.hrw.org/news/2018/02/25/iraq-families-alleged-isis-members-denied-ids>.

[83] Tabriya is the term being used in Iraq for when a person rejects a family member who, in some way, dishonored the tribe by committing a serious crime, and can roughly be translated in this context as “disavowal.” Belkis Wille, “Iraq: Not a Homecoming,” commentary, Human Rights Watch witness piece, June 14, 2019, <https://www.hrw.org/news/2019/06/14/iraq-not-homecoming>.

[84] “Iraq: School 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>.

[85] “Iraq: Officials Arrest, Abuse, Harass Aid Workers,” Human Rights Watch news release, February 25, 2019, <https://www.hrw.org/news/2019/02/25/iraq-officials-arrest-abuse-harass-aid-workers>.

[86] “Iraq: Military Enter Camp, Occupy School for ‘Screening,’” Human Rights Watch news release, July 18, 2019, <https://www.hrw.org/news/2019/07/18/iraq-military-enter-camp-occupy-school-screening>.

[87] “Iraq: Camps Expel Over 2,000 People Seen as ISIS-Linked,” Human Rights Watch news release, September 4, 2019, <https://www.hrw.org/news/2019/09/04/iraq-camps-expel-over-2000-people-seen-isis-linked>.

[88] United Nations Office for Coordination of Humanitarian Affairs (UN OCHA), “Syria: Humanitarian Response in Al Hol camp, Situation Report No. 5 – As of 5 July 2019,” July 5, 2019, <https://reliefweb.int/report/syrian-arab-republic/syria-humanitarian-response-al-hol-camp-situation-report-no-5-5-july> (accessed May 19, 2020).

[89] “Iraq: Confining Families with Alleged ISIS Ties Unlawful,” Human Rights Watch news release, May 7, 2019, <https://www.hrw.org/news/2019/05/07/iraq-confining-families-alleged-isis-ties-unlawful>.

\$50	\$100	\$250
\$500	\$1000	Other

Region / Country [Middle East/North Africa, Iraq](#)

Topic [United Nations](#)

MORE READING

July 16, 2020 | Commentary

**Russia Eviscerates Syria
Cross-Border Aid Program
Despite Pandemic**

July 9, 2020 | Statement

**Human Rights Council
should urgently address
impunity for summary
executions**

REPORTS

September 22, 2011 | Report

Keeping the Momentum
One Year in the Life of the UN
Human Rights Council

September 21, 2009 | Report

**Pushed Back, Pushed
Around**
Italy's Forced Return of Boat
Migrants and Asylum Seekers,
Libya's Mistreatment of Migrants
and Asylum Seekers

DONATE NOW

Enter an email address



© 2020 Human Rights Watch

Human Rights Watch | 350 Fifth Avenue, 34th Floor | New York, NY 10118-3299 USA | t 1.212.290.4700

Human Rights Watch is a 501(C)(3) nonprofit registered in the US under EIN: 13-2875808