



**UPR Submission
Iraq
2014**

Human rights conditions in Iraq have steadily deteriorated as security has dramatically declined and sectarian tensions deepened. Thousands of Iraqis started demonstrating in 2011 to demand better services and an end to corruption, but security forces responded with violence and threats.

Iraqi security forces took harsh measures against largely peaceful protests in Sunni areas. By early 2014, suicide attacks, car bombs, and assassinations became more frequent and lethal, and 2013 was the bloodiest of the last 5 years. Attacks killed hundreds of civilians and police, including targeted assassinations.

Detention, Torture, and Executions

In its response to its last UPR, in 2010, Iraq agreed to implement recommendations to “[i]ncrease its efforts at eradicating torture by launching independent and credible investigations into alleged cases of torture and holding those responsible to account;” and to “consider inadmissible the confessions obtained under torture or ill treatment.” Iraq also agreed to “[i]mplement measures to ensure appropriate treatment of detainees, work to eliminate the detention of persons without charge or trial and ensure transparency for all sentences.”

In contrast, Iraq's security forces continued to abuse detainees with impunity. Forces controlled by the Defense, Interior, and Justice Ministries and elite forces reporting directly to the prime minister's office, continued widespread arbitrary detentions, including in secret prisons outside the purview of the Interior and Justice ministries.

In 2011, Human Rights Watch uncovered the existence of secret detention sites in Baghdad operated by elite security forces, including the Army's 56th Brigade, also known as the Baghdad Brigade, and the Counter-Terrorism Service, both of which report directly to the military office of Prime Minister Nuri al-Maliki. These elite forces regularly tortured detainees and prevented access to lawyers or families in Camp Justice in northwest Baghdad and Camp Honor in Baghdad's “Green Zone,” according to detainees' statements to Human Rights Watch. The government has yet to hold anyone accountable for the abuses that took place in these facilities and denies that detains persons in Camp Honor. However, several sources told Human Rights Watch that Camp Honor continues to be used as a site where detainees are interrogated and held without charge or being presented to a judge.

The number of violent attacks increased after security forces attacked a Sunni protest camp in April 2013. Casualties due to car and suicide bomb attacks doubled in the months that followed. Security forces widened their crackdown on residents of Sunni areas, regularly undertaking mass arrest campaigns, random home invasions, and illegally holding detainees for prolonged periods without charge. In July 2013, al-Qaeda attacked the Abu Ghraib and Tajji prisons on the outskirts of Baghdad. As many as 1,000 prisoners escaped, including leading members of al-Qaeda. After

the attacks, Prime Minister al-Maliki transferred control of the prisons, which fall under the purview of the Ministry of Justice, to the Ministry of Interior. Immediately afterward, according to detainees and their family members, SWAT forces closed the two prisons to all visits by family members, lawyers, and the government's own human rights ministry; regularly abused prisoners in retaliation for the attacks; and denied them adequate food and medical care. At least 70 prisoners died during the attack on the Tajji prison. At this writing the government has not released information on how the prisoners died and the prisons remain closed to all visits and inspections.

Accountability for security forces abuses is nearly non-existent, in part due to Iraq's weak judiciary, which is rife with corruption and collusion between security forces and judges. Dozens of detainees told Human Rights Watch that, although issued a judicial release order, investigative judges and security forces demanded between \$4,000 and \$10,000 to implement their order of release. Independent judges are at risk of retaliation by armed groups and of threats after issuing decisions against government officials or persons with close ties to officials. Unknown gunmen assassinated at least seven judges in 2013.

Refugees and Displacement

According to UNHCR, by January 15, 2014, over 222,500 Syrian refugees had fled to Iraq since the conflict began in Syria.

In August 2012, Iraq's federal government ordered the Ministry of Displacement and Migration to close the al-Qa'im border crossing, located near the Syrian town of Abu Kamal. This border has remained effectively closed since, and as of January 17, 2014, nearly 5,000 Syrians remain stranded in al-Qaim without access to food, medical and other humanitarian assistance.

The Kurdistan Regional Government temporarily closed its borders to Syrians attempting to enter the region from May through July 2013, but for the most part has allowed Syrians to enter since the conflict began. Conditions in refugee camps near Duhok, Sulaiminiya and Erbil remain poor with severe overcrowding and a lack of adequate protection measures, particularly for women and girls, who in some camps make up at least 80 per cent of the population.

Iraqi authorities failed to hold anyone accountable for at least 100 assassinations in November and December 2013, of both Sunnis and Shia, which led to displacements of Iraqis throughout the country, particularly in Diyala and Basra. Many of the victims' bodies were found mutilated.

In January 2014, fighting broke out in Ramadi and Fallujah, after Iraqi security forces arrested a prominent Sunni MP, killing his brother and several body guards, and raided Ramadi's protest square. The conflict began between members of tribal armed groups and Iraqi security forces, but fighters from the Islamic State of Iraq and the Sham (ISIS) and al-Qaeda reportedly entered the two cities and clashes subsequently intensified. At this writing, continued severe fighting has caused a severe humanitarian crisis and prevented humanitarian organizations from delivering desperately needed goods to residents of Fallujah and Ramadi and to internally displaced persons within Anbar province. Reportedly at least 500,000 residents of Anbar have fled their homes as of this drafting, seeking shelter in other areas of Anbar and throughout the country.

Freedom of Assembly

After thousands took to the streets in February 2011, federal Iraqi authorities and Kurdistan Regional Government (KRG) authorities both responded with violence, culminating in the Hawija events in April 2013, when army and SWAT forces raided a protest camp, fired on a crowd of over 1000 protesters, and killed at least 50. The government has failed to ensure any investigation into these attacks. The KRG has also failed to hold accountable those responsible for attacking protesters and journalists in Arbil and Sulaimaniya in 2011, when security forces beat and opened fire on demonstrators, killing several.

Beginning in August 2013, the Interior Ministry repeatedly refused to grant permits to demonstrators seeking to protest against worsening security and corruption, in apparent contravention of the Iraqi constitution's guarantees. Iraqi law does not clearly state what authority regulates demonstrations. In August 2013, the Interior Ministry spokesperson told Human Rights Watch that only the ministry can issue permits for demonstrations but declined to explain why or when it acquired this authority.

Freedom of Expression

In its last UPR in 2010, Iraq also agreed to "end intimidation and abuse of journalists by government officials and hold all perpetrators of violence against and harassment of journalists fully accountable." Again, in contrast to these commitments, security forces and pro-government non-state actors instead harassed journalists and media organizations critical of the government.

On April 1, 2013, unknown assailants attacked the Baghdad offices of four independent daily newspapers, destroying equipment, setting fire to the buildings, and injuring several employees. Police announced an investigation into the attacks but released no results.

The Committee to Protect Journalists (CPJ) ranked Iraq at the top of its 2012 and 2013 Impunity Index focusing on unsolved journalist murders, and reported that there have been no convictions for murders of journalists since 2003, and the government shows no will to solve the murders. Iraqi authorities made no arrests for the murder of Hadi al-Mahdi, a journalist critical of the government, killed in September 2011. Another journalist, Zardasht Osman, was abducted and murdered after publishing a satirical article about KRG president Massoud Barzani in 2010. The KRG never released details of the investigation into his death.

Iraq also committed in 2010 "to ensure that freedom of expression is guaranteed by the government and protected under Iraqi laws and Iraqi courts." Again the government deviated widely from this commitment. In 2012, the National Communications and Media Commission (NCMC) asked the Interior Ministry to "take the necessary legal measures" against 44 foreign and Iraqi media outlets it stated were operating illegally. Registration of new media outlets in Iraq is difficult, and in April 2013, the NCMC suspended the licenses of 10 satellite television stations and prevented them from broadcasting, all but one of which were pro-Sunni opposition stations. Other channels, including all state-run channels, remained free to broadcast. A senior NCMC official told Human Rights Watch that the NCMC had no legal basis for the suspensions, but ordered them because the 10 stations were "promoting violence and sectarianism."

Journalists reported that security forces blocked them from accessing antigovernment demonstrations, effectively restricting media coverage. The authorities failed to take any steps to investigate a spate of targeted assassinations that killed five journalists in Mosul in two months.

Women and Girls Rights

Female prison inmates suffer from overcrowding and lack sufficient access to female-specific health care. Women are frequently detained with their young children, who are deprived of access to education and adequate health care as well as light, fresh air, food, and water. Dozens of women reported that security forces detained, beat, tortured, and in some instances, sexually abused them as a means of intimidating or punishing male family members suspected of terrorism.

During its last UPR in 2010, Iraq was recommended to “ensure that Iraq’s legislation guarantees de jure and de facto non discrimination against women.” However, on February 25, 2014, the Council of Ministers passed a law on Jaafari (Shia) jurisprudence and personal status, which will now be sent to the parliament for approval after elections scheduled for April 30. The draft law stipulates that Jaafari jurisprudence in Islamic Sharia would govern Shia Iraqis in personal status issues such as marriage, divorce, inheritance, and adoption. Local rights groups expressed concern that the proposed legislation would feed sectarianism because, if adopted, different sects will be governed by different rules in matters of personal status laws, in contrast to the current Personal Status Law which applies equally to all Iraqis. The proposed legislation contains numerous provisions that violate women’s and children’s rights. Articles lower the marrying age—18 for both men and women under current Personal Status Law (1959)—to the age of 9 for females and 15 for males; prevent Muslim males from marrying non-Muslim females except on a temporary basis; broaden the permissible conditions for polygamy; give men the right to prevent their wives from leaving the house without permission; and restrict women’s rights in matters of divorce and inheritance even more than the current Personal Status Law.

During its previous UPR, Iraq pledged to “address domestic violence,” “consider a legal reform to address in an effective way the so-called “honor killings”” and “fight against all forms of violence against women.” Human Rights Watch produced report on female genital mutilation (FGM) in Iraq in 2010. The KRG passed the Family Violence Law in 2011, which included a provision banning FGM. Officials have done little to implement the law’s provisions criminalizing domestic violence and “honor” killings. Dozens of male family members have abused or killed female relatives since the law was passed. the Kurdistan Regional Government banned the practice in July 2011. In 2013, WADI, a Kurdish women’s rights organization, reported that the overall prevalence of FGM in the region is decreasing in parts of Iraqi Kurdistan, largely due to Human Rights Watch and WADI’s advocacy.

Local organizations report that the government has not created special courts to prosecute domestic violence cases, hired additional female security officers, or educated security officers about the law, as the law requires. Many Iraqi women have lost their husbands as a result of armed conflict, generalized violence, and displacement. The resulting financial hardship has made them vulnerable to trafficking for sex trafficking and sexual exploitation. The parliament passed a counter-trafficking law in April 2012, but authorities have done little to enforce or prevent it.

Recommendations

- Undertake widespread reforms to the criminal justice system, beginning with ensuring the independence of the judiciary by investigating allegations of widespread corruption within

the judiciary, executive interference in the work of the judiciary, and collusion between security forces and investigative judges;

- Investigate threats against and assassinations of judges and hold perpetrators responsible through criminal prosecutions;
- Investigate promptly all allegations of torture and ill-treatment, including sexual abuse, and institute criminal prosecution against officers and officials who are responsible for the abuse of prisoners;
- Ensure that persons taken into custody are brought before an investigative judge within 24 hours of arrest, in conformity with Iraq's Code of Criminal Procedure;
- Disallow as evidence confessions and any other evidence obtained through torture or other unlawful methods and reform the provisions of Iraq's Code of Criminal Procedure that allow courts to issue arrest warrants and convictions based on coerced confessions and the testimony of secret informants;
- Amend the 2005 Anti-Terrorism Law, particularly its overbroad definitions of terrorism, terrorist acts and crimes against state security; and repeal its Article 4, which provides the death penalty for an extremely broad range of ill-defined offenses, including of "[a]ny one who committed, as a main perpetrator or a participant, any of the terrorist acts stated in the second & third articles of this law" and provides that "[a] person who incites, plans, finances, or assists terrorists to commit the crimes stated in this law shall face the same penalty as the main perpetrator;"
- Investigate the assassinations of and other attacks against journalists and hold perpetrators responsible;
- Facilitate the registration of new media outlets by preventing onerous legal and ad-hoc restrictions on registration of new media outlets;
- Investigate attacks on demonstrators, whether in Baghdad protesting corruption or in Sunni areas protesting perceived discrimination, and hold perpetrators accountable;
- Cancel provisions requiring that persons seeking to hold demonstrations obtain permission from the Interior Ministry;
- Facilitate humanitarian organizations' access to areas where persons displaced by the fighting in Anbar reside;
- Develop a national plan to provide assistance and compensation for loss of property to internally displaced persons and returnees, without discrimination, in accordance with the UN Guiding Principles on Internal Displacement. This plan should implement the rights of displaced persons and returnees to government assistance without discrimination, ensure sustainable resettlement, and provide adequate compensation for loss of property;
- Do not return anyone fleeing conflict and other abuses back to Syria or push such people back at the border. Facilitate refugees' access to assistance and protection in Iraq;

- Publicly condemn violence against civilians, investigate in particular reports of such violence by security forces as well as militias and other armed groups, and punish those found responsible;
- Cancel the draft Jaafari Personal Status Law and amend the 1959 Personal Status law to ensure women equal rights in all areas, particularly matters of marriage, divorce, custody and inheritance;
- Investigate gender-based violence, in particular “honor crimes” perpetrated against women, take measures to ensure that those responsible for committing these crimes are held accountable, and provide effective remedies to female victims of violence;
- Continue to take measures to implement provisions of the 2011 Family Violence Law to eliminate the practice of FGM;
- Release female prisoners that security forces and officials continue to illegally detain despite Prime Minister Nuri al-Maliki’s promise to release all illegally detained women, investigate allegations that security forces detained them as a form of “collective punishment” for relatives’ crimes, investigate allegations that security forces subjected them to abuse, including sexual abuse, and hold perpetrators accountable.

Annex : Relevant HRW reporting

[“No One Is Safe”](#)

The Abuse of Women in Iraq's Criminal Justice System

This report documents abuses of women in detention, including illegal detention; the use of torture and ill-treatment, including the threat of sexual abuse; and unfair trials in which Iraq's weak judiciary frequently based convictions of women on coerced confessions. The information this report documents is based on interviews with women and girls, Sunni and Shia, in prison; their families and lawyers; and medical service providers in the prisons at a time of escalating violence involving security forces and armed groups. Human Rights Watch also reviewed court documents and extensive information received in meetings with Iraqi authorities including Justice, Interior, Defense, and Human Rights ministry officials, and two deputy prime ministers.

February 6, 2014

[“At a Crossroads”](#)

Human Rights in Iraq Eight Years after the US-Led Invasion

This report calls on the government to protect the rights of vulnerable groups and to amend its penal code and all other laws that discriminate against women and violate freedom of speech. The report also urges Baghdad to open independent and impartial investigations into all allegations of abuse against detainees, minorities, and journalists.

February 22, 2011

[“They Took Me and Told Me Nothing”](#)

Female Genital Mutilation in Iraqi Kurdistan

While internationally recognized as a form of violence against women and girls, the tragedy is that female genital mutilation is perpetuated by mothers, aunts and other women who love and want the best for their children, who see the practice as ensuring that girls are marriageable, are conforming to the tenets of Islam, and are growing up to be respectable and respected members of Kurdish society.

June 16, 2010