

## I. EXECUTIVE SUMMARY

1. This report addresses Iraq's compliance with human rights obligations with regard to its use of the death penalty. Execution rates in Iraq increased by 42% between 2016 and 2017, with 88 executions in 2016 and over 125 executions in 2017.<sup>1</sup> Of the top four countries carrying out executions in that period, Egypt was the only one that carried out more executions in 2017 than 2016.<sup>2</sup> The number of officially recorded executions dropped to 36 in 2018.<sup>3</sup> The high number of executions in 2017 is particularly concerning in light of evidence of the use of torture in coercing confessions related to crimes punishable by the death penalty, lack of access to counsel for many suspects charged with death-eligible offenses, the judicial system's reluctance to investigate allegations of torture, allegations of unfair trials, and a lack of transparency in court proceedings.

## II. BACKGROUND AND FRAMEWORK

### A. Iraq's 2014 Universal Periodic Review

2. During Iraq's second Universal Periodic Review in 2014, Iraq received 18 recommendations regarding the death penalty, 17 recommendations regarding torture, and 19 recommendations regarding the administration of justice, right to a fair trial, and arbitrary arrest and detention, from 40 different countries.<sup>4</sup> While Iraq is to be commended for extending an invitation to the United Nations' Special Rapporteur on Extrajudicial, Summary or Arbitrary executions to visit Iraq in 2017, and for its cooperation during the visit, the Government of Iraq has not implemented the majority of the 2014 recommendations, including recommendations it supported in the 2014 UPR.

1. *Death penalty: Ratify the Second Optional Protocol to the ICCPR*

#### **Status of Implementation: Not Accepted, Not Implemented**

3. Iraq did not support the recommendations of eight countries that it ratify or accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights.<sup>5</sup>

2. *Death penalty: Establish a moratorium or consider abolition*

#### **Status of Implementation: Not Accepted, Not Implemented**

4. Iraq did not support the recommendations of 35 countries to establish a moratorium on or abolish the death penalty.<sup>6</sup>

3. *Death penalty: Commute death sentences*

#### **Status of Implementation: Not Accepted, Not Implemented**

5. Iraq did not support the recommendation of Portugal to commute the sentences of persons sentenced to death and establish a moratorium on executions.<sup>7</sup>

4. *Death Penalty: Reduce the scope*

**Status of Implementation: Accepted, Partially Implemented**

6. Iraq accepted recommendations from Montenegro and Switzerland to reduce the number of offenses punishable by the death penalty.<sup>8</sup> Iraq passed the General Amnesty Law in 2016. This law allows people convicted of terrorism offenses to obtain release if they can demonstrate that they joined ISIL against their will and did not participate in certain acts.<sup>9</sup>

5. *Ratify OPCAT*

**Status of Implementation: Not Accepted, Not Implemented**

7. Iraq did not support the recommendations of ten countries to ratify the Optional Protocol to the Convention on Torture.<sup>10</sup>

6. *End torture and extrajudicial executions*

**Status of Implementation: Not Accepted, Not Implemented**

8. Iraq did not support the recommendation of three countries to bring an end to extrajudicial executions, arbitrary detentions and the practice of torture.<sup>11</sup>

7. *Improve access to fair trials and enforce due process rights*

**Status of Implementation: Supported, Not Implemented**

9. Iraq supported recommendations from several countries to reform its judicial laws and regulations to eliminate arbitrary detention, extrajudicial killings, and the use of coerced confessions as evidence and to enforce due process rights and sufficiently investigate allegations of torture and ill treatment of detainees.<sup>12</sup> Interviews with detainees and examination of the judicial process indicate that these matters have not been addressed.<sup>13</sup>

8. *Special procedures: Extend open invitation, invite Special Rapporteur on Torture*

**Status of Implementation: Supported, Not Implemented**

10. Iraq accepted recommendations from Netherlands and Spain to extend an open invitation to the Special Procedures and to allow a visit by the Special Rapporteur on Torture.<sup>14</sup> Iraq extended an invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2017 and provided cooperation during her visit.<sup>15</sup>

**B. Domestic Legal Framework**

11. Iraq is a constitutional parliamentary republic.<sup>16</sup> Article 15 of the Iraqi Constitution states that “Every individual has the right to enjoy life, security and liberty. Deprivation and restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.”
12. The death penalty is an available penalty for many types of offenses under the Penal Code, Anti-Terrorism Law No. 13, and the Narcotic Drugs Law No. 68, including: murder, other offenses resulting in death (including arson, intentionally causing a flood, damaging public structures, rape, robbery, and human trafficking), aggravated murder,

treason, rape, attempted rape of an abductee, kidnapping, drug trafficking for the purposes of funding or abetting insurgency, treason, espionage, and various military offenses.<sup>17</sup> Some of the offenses eligible for the death penalty do not require or entail an intentional killing, such as drug trafficking, participation in an armed terrorist gang, assault with firearms, or the use of explosive and incendiary devices designed to kill with a terrorist motive.<sup>18</sup> Anti-Terrorism Law No. 13's definition of terrorism is broad, allowing the death penalty for any person "who commits, incites, plans, finances or assists in acts of terrorism," regardless of whether such conduct results in death<sup>19</sup>

13. The Penal Code also allows for the death penalty for kidnapping or impeding the freedoms of individuals.<sup>20</sup> In imposing a sentence, courts are permitted to consider mitigating circumstances, such as the defendant's provision of information that leads to the prevention of another terrorist attack or the apprehension of additional suspects.<sup>21</sup>
14. For crimes with a penalty of life imprisonment, the Penal Code authorizes judges to sentence a person to death if there is any aggravating circumstance.<sup>22</sup>
15. The imposition of the death penalty in Iraq is not mandatory. Judges are allowed to consider mitigating "excuses" for a limited number of crimes including cases involving so-called honor killings, and in all other cases, judges may specify "extenuating" circumstances that justify the imposition of a sentence other than death. It is not clear how often judges exercise such discretion. Authorities in Iraq continue to sentence people to death and carry out executions without providing official statistics or sharing information with international organizations.<sup>23</sup>
16. The Iraqi Constitution guarantees the right to legal representation to all arrested persons during investigation and trial (Article 19(4)). Article 37(1)(c) prohibits all forms of torture and inhumane treatment and prohibits courts from relying on any confession made under duress. Iraq's Constitution also includes safeguards against arbitrary arrest and detention.<sup>24</sup> The Iraqi Criminal Procedure Code of 1971 includes several procedural guarantees in criminal cases. Article 123 states that a person accused of a crime has the right to legal representation starting before the initiation of questioning. Article 127 prohibits mistreatment, threats, or other forms of "pressure to influence the accused or extract a confession."<sup>25</sup>
17. A 2014 executive order of the Prime Minister requires an order issued by a competent judge or court in order to arrest individuals and requires authorities to register the detainee's name, place of detention, reason for detention, and legal basis for detention within 24 hours of the individual's detention. The Iraqi Ministry of Justice is responsible for updating these records. The executive order requires that the Ministries of Defense and Interior and the National Security Service establish guidelines for "battlefield" registration of detainees.<sup>26</sup>
18. In August 2016, the Iraqi Council of Representatives passed a General Amnesty Law, which offers amnesty to persons who are able to show they joined ISIS or another terrorist group against their will and did not commit a serious offense prior to the law's enactment.<sup>27</sup>

19. In December 2017, the Kurdistan Parliament ratified a General Amnesty Law providing that persons sentenced to death will have their sentences reduced to 15 years in prison if reconciliation is reached with victims.<sup>28</sup>
20. The Constitution of Iraq prohibits all forms of psychological and physical torture and inhumane treatment.<sup>29</sup>

### **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

21. Iraq carried out 88 executions in 2016 and over 125 executions in 2017—the third-highest number of documented executions in the world,<sup>30</sup> despite the fact that judicial proceedings failed to meet international fair trial standards and many death sentences and executions were based on confessions extracted through torture or other ill-treatment.<sup>31</sup> Iraq has also engaged in mass sentencings and executions. One Associated Press report revealed that Iraqi authorities had detained or imprisoned at least 19,000 suspects and sentenced more than 3,000 of them to death, despite the lack of fair treatment and due process throughout the judicial process.<sup>32</sup> Many more of these suspects are awaiting trial and are at risk of being sentenced to death.

#### **Right or area 12.4. Death penalty**

22. As mentioned in paragraph 1 above, Iraq maintains the death penalty and stepped up executions by 42% between 2016 and 2017. Federal and regional governments cite “popular pressure as a reason to continue to apply/resume the death penalty, in particular in response to crimes committed by ISIL.”<sup>33</sup>
23. As the Special Rapporteur on executions observed in her recent report to the UN Human Rights Council, in Iraq there is a “lack of openness from the Federal Government on judicial proceedings and the use of the death penalty.”<sup>34</sup> She reported that since 2015, Iraqi officials have not made any information public concerning the number, charges, and trials of individuals sentenced to death, living on death row, or executed.<sup>35</sup>
24. The Special Rapporteur expressed alarm at mass executions reported since 2016, including 38 persons hanged in Nasiriya on 14 December 2017, and 42 persons hanged in the same city on 24 September 2017. All defendants had been convicted on terrorism-related charges. Additional mass executions occurred in January 2017 and August 2016.<sup>36</sup>
25. The Anti-Terrorism Law No. 13 “is systematically misused by the Iraqi authorities in order to dispose of critics of the regime, often seemingly on a sectarian basis.”<sup>37</sup>
26. Officials have issued statements calling for anyone convicted of a terrorism offense to be sentenced to death, regardless of the gravity of their conduct or any mitigating circumstances.<sup>38</sup>
27. Iraq may step up prosecutions under its Anti-Terrorism Law. In early 2019, U.S.-backed forces in Syria transferred approximately 280 Iraqi and foreign fighters to Iraqi military custody, and the parties have an agreement to transfer a total of approximately 500 detainees. Iraqi Prime Minister Adel Abdul Mahdi confirmed that Iraqi authorities will prosecute individuals suspected of having committed crimes against Iraq and Iraqis, and that they could face the death penalty.<sup>39</sup>

28. Iraq retains the death penalty for drug trafficking. No official information is available on the use of capital punishment for drug-related offences in the country. Notwithstanding, in 2017 Amnesty International reported four death sentences imposed for this crime—6% of total confirmed sentences for the year.<sup>40</sup>

**Right or area 12.5. Prohibition against torture and cruel, inhuman or degrading treatment.**

29. Despite Iraq ratifying the Convention against Torture, interviews with detainees reveal that torture is routinely used to extract confessions, and occasionally torture in this context results in death.<sup>41</sup> For example, detainees describe their arms being held behind the back and having their wrists hung by rope in a position known as “bazoona.”<sup>42</sup> One report from a detainee held by Iraqi authorities in Mosul described both witnessing and being a victim of torture, seeing at least two men die from abuse, and seeing other men return from interrogations with signs of torture on their bodies.<sup>43</sup>

30. Despite the prohibition against torture and inhumane treatment in Iraq’s Constitution, judges in Iraq do not require investigations of allegations of torture, nor are officials who carry out such torture held accountable.<sup>44</sup> In response to international pressure, Iraqi authorities formed a committee to investigate the use of torture to obtain confessions; the results of the investigation, however, were never made public.<sup>45</sup> Reports also reveal that inhumane treatment is prevalent in the holding locations for detainees. Male prisoners are kept in small cell areas that do not provide enough room for a person to lie down to sleep.<sup>46</sup> Detainees are allowed to use the toilet only twice per day and if they take too long, they are beaten.<sup>47</sup>

31. Lawyers are routinely absent from interrogations, and many suspects are without lawyers during their hearings.<sup>48</sup> Further, Iraq does not have laws or judicial guidelines directing that judges take a particular investigative course of action when defendants allege torture or mistreatment.<sup>49</sup> Iraq’s Criminal Procedure Code allows judges full discretion to decide the admissibility of confessions, even if the defendant denies the veracity of the confession during the hearing.<sup>50</sup> To the contrary, there are reports of judges ordering “deeper investigations” of defendants, terminology that is understood by the authorities to mean returning the defendant to incarceration to extract more detailed confessions by means of torture.<sup>51</sup> In certain cases, after the defendant has been tortured, the crimes they are accused of committing are found to not have even occurred.<sup>52</sup> In one case, it is reported that a judge filed a complaint against a defense attorney and ordered the attorney hospitalized for two days. While the lawyer was in the hospital, the judge sentenced the lawyer’s client, who had a forensic report confirming torture to his genitals, to death.<sup>53</sup>

**Right or area 15.1. Administration of justice and fair trial.**

32. The Special Rapporteur has expressed concern “at the lack of openness from the Federal Government on judicial proceedings” resulting in the death penalty.<sup>54</sup> Of particular concern are the mass executions described in paragraph 24 above. She noted “a large number of allegations regarding violations of fair trial and due process guarantees in death penalty cases. These include, in particular, sentencing based mainly or solely on confessions obtained under torture or duress, lack of judicial investigation into allegations of torture during the investigation phase and swift trials resulting in mass executions.”<sup>55</sup> In one case, over the course of two hours, 14 women were tried, convicted, and sentenced to death for allegedly supporting the Islamic State, with each trial lasting approximately

10 minutes.<sup>56</sup> This “judicial assembly line” is responsible for “churn[ing] out terrorism convictions” since the defeat of ISIL, with a conviction rate of approximately 98%.<sup>57</sup> Spokesperson for the Iraqi joint operations command, General Yahya Rasool, insists that these “Islamic State criminals . . . must receive the death penalty, a punishment that would deter them and those who sympathize with them.”<sup>58</sup> But the swift judicial procedures appear to be sweeping up bystanders and persons simply related to persons involved with the Islamic State.<sup>59</sup> Because the definition of terrorism is broad, and because of the Iraqi Government’s push for the death penalty, courts do not consider individual circumstances or mitigating factors, but instead mete “out one-size fits-all punishment for the perpetrator of crimes against humanity as well as for the wife of an Islamic State fighter who may have had little say in her husband’s career.”<sup>60</sup> As of April 2018, approximately 13,000 people were being detained in Iraq on suspicion of ties to the Islamic State.

33. Foreign nationals accused of terrorism do not receive a presumption of innocence, because courts presume that any foreigner in ISIS territory is involved with terrorism.<sup>61</sup> As of March 2019, there are dozens of foreign nationals facing the death penalty in Iraq.<sup>62</sup> In March 2019, court proceedings against 14 suspected French members of ISIL began.<sup>63</sup> Foreign nationals accused of terrorism crimes can be sentenced to death.<sup>64</sup>
34. Individuals accused of terrorism do not have adequate access to counsel. One state-appointed lawyer who defended several women in an “assembly line” trial confessed that he had not prepared for the trials and had no access to evidence against his clients because the information had been classified.<sup>65</sup> His pay, the equivalent of \$25 per case, would be paid only after the client’s final appeal was exhausted or after the client’s execution.<sup>66</sup> He would receive the same compensation regardless of whether the case went to appeal, so he had little financial motivation to prolong the judicial process on behalf of his clients.<sup>67</sup>
35. The Special Rapporteur concluded “that existing procedural guarantees to ensure fair trials either are not implemented in practice or have proven insufficient to protect against abuses of due process rights, resulting in systematic violations of the right to life.”<sup>68</sup>
36. According to a March 2019 report from Human Rights Watch, the judges a counterterrorism court in the Nineveh governorate in northern Iraq have improved their procedures in terrorism cases.<sup>69</sup> That court has the country’s largest ISIS caseload, with 9,000 cases processed in 2018.<sup>70</sup> Among the improvements observed by Human Rights Watch, the court is “requiring a higher evidentiary standard to detain and prosecute suspects, minimizing the court’s reliance on confessions alone, erroneous wanted lists, and unsubstantiated allegations.”<sup>71</sup> One attorney noted that the court has also become “much more sensitive to individuals using ISIS allegations as a form of personal revenge.”<sup>72</sup> That court’s prosecutions of ISIS suspects will likely grow; it has issued 50,000 arrest warrants for people wanted for ISIS affiliation.<sup>73</sup>

#### IV. RECOMMENDATIONS

37. This stakeholder report suggests the following recommendations for the Government of Iraq:

- Fully implement the recommendations regarding the death penalty presented by the Special Rapporteur on extrajudicial, summary or arbitrary executions:
  - Establish a moratorium on the use of the death penalty.
  - Pending abolition, undertaken an independent and comprehensive review of all relevant legislation to bring it into compliance with international human rights law and standards related to capital punishment, in particular its mandatory nature for certain crimes.
  - Ensure that the death penalty is not imposed on persons below the age of 18.
  - Ensure full application of the Vienna Convention on Consular Relations in death penalty cases involving foreign nationals.
  - The Kurdistan Regional Government should adopt a formal moratorium on the use of the death penalty and conduct a comprehensive review of all relevant legislation with a view to repealing it.
- Amend the Penal Code to limit the death penalty to offenses entailing an intentional killing committed by the accused person.
- Commute the sentences of persons sentenced to death and immediately adopt a formal moratorium on the death penalty with a view to its eventual abolition.
- Initiate a public dialogue regarding the death penalty, with a view toward its abolition.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Prohibit the introduction of evidence obtained under duress, and issue guidelines on the steps judges must take when a defendant alleges torture, including investigating all credible allegations and taking immediate steps to protect individuals alleging torture or ill-treatment from retaliation.
- Promptly and openly review all allegations of torture to ensure persons who commit acts of torture are held accountable, and victims are fully compensated for their injuries in accordance with Articles 12-14 of the Convention against Torture.
- Ratify the Optional Protocol to the Convention against Torture.
- Adhere to the Iraqi Constitution and the laws of Iraq with regard to detainees and criminal proceedings, including bringing detainees before a court within 24 hours to be formally charged with a crime and ensuring that all detainees are provided prompt access to legal counsel of their choosing, and consider video or other monitoring of all interrogations to deter the use of torture and ill-treatment during questioning.
- Increase the transparency of the criminal justice system, including collecting and publicly releasing data on the number of persons accused of death-eligible crimes and their

identity, the exact crime charged, the basis on which the charge is made, whether the accused was afforded an opportunity to challenge their detention on a death-eligible charge, where prisoners sentenced to death are held and for how long they have been held, treatment of detainees, and whether the accused had access to counsel at all stages of criminal proceedings.

- Provide enhanced technical support for courts handling terrorism cases to ensure that they provide defendants with heightened procedural protections and access to well qualified legal counsel.
- Ensure that courts and prosecutors handling terrorism cases prioritize prosecution of the most serious crimes and in all cases consider mitigating evidence that warrants a sentence other than death.

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<sup>1</sup> Amnesty International Global Report: *Death Sentences and Executions 2017* (April 2018). Available online at <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>.

<sup>2</sup> *Id.* at 6.

<sup>3</sup> Cornell Law School, Cornell Center on the Death Penalty Worldwide: Death penalty Database, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=iraq>.

<sup>4</sup> U.N. Human Rights Council, *UPR of Iraq - Second Cycle, Thematic list of recommendations* (3 November 2014).

<sup>5</sup> *Report of the Working Group on the Universal Periodic Review: Iraq* (March 17, 2015), U.N. Doc. A/HRC/28/14, ¶¶ 127.2 (Uzbekistan); 127.3 (Chile); 127.4 (Paraguay); 127.5 (Portugal); 127.6 (Sierra Leone); 127.7 (Spain); 127.8 (Australia); 127.9 (Austria).

<sup>6</sup> *Id.* ¶¶ 127.6 (Sierra Leone); 127.7 (Spain); 127.8 (Australia); 127.107 (Italy); 127.108 (Namibia); 127.109 (Latvia, Mexico, Turkey, Germany, Greece, France, United Kingdom of Great Britain and Northern Ireland, Montenegro); 127.110 (Norway); 127.111 (Costa Rica); 127.112 (Algeria, Austria); 127.113 (Portugal); 127.114 (Belgium); 127.115 (Slovenia); 127.116 (Israel).

<sup>7</sup> *Id.* ¶ 127.113 (Portugal).

<sup>8</sup> *Id.* ¶¶ 127.117 (Montenegro); 127.118 (Switzerland).

<sup>9</sup> Amnesty International Global Report, *supra* note 1.

<sup>10</sup> *Report of the Working Group on the Universal Periodic Review: Iraq* (March 17, 2015), U.N. Doc. A/HRC/28/14, ¶¶ 127.9 (Austria); 127.19 (Togo, Paraguay); 127.20 (Sierra Leone); 127.24 (Bulgaria); 127.26 (Tunisia); 127.10 (Uruguay); 127.119 (France); 127.22 (United Kingdom of Great Britain and Northern Ireland); 127.23 (Czech Republic).

<sup>11</sup> *Id.* ¶¶ 127.119 (France); 127.120 (Costa Rica) (recommending the adoption of legislative reforms and administrative measures to eradicate torture in law and practice); 127.23 (Czech Republic); 127.148 (Czech Republic).

<sup>12</sup> *Id.* ¶¶ 127.37 (Singapore); 127.146 (Germany); 127.222 (United States of America); 127.124 (Uruguay); 127.122 (Austria); 127.144 (Norway); 127.142 (Austria); 127.148 (Czech Republic); 127.123 (Spain).

<sup>13</sup> Human Rights Watch: *Report on abuse, torture, and death in detention* (August 19, 2018). Available online at <https://www.hrw.org/news/2018/08/19/iraq-chilling-accounts-torture-deaths>.

<sup>14</sup> *Report of the Working Group on the Universal Periodic Review: Iraq* (March 17, 2015), U.N. Doc. A/HRC/28/14, ¶¶ 127.79 (Netherlands); 127.80 (Spain); 127.121 (Norway).

<sup>15</sup> *Ibid.*

<sup>16</sup> Iraq 2017 Human Rights Report, U.S. Department of State, Bureau of Democracy, Human Rights and Labor: Country Reports on Human Rights Practices for 2017. Available online at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277243>.

<sup>17</sup> *Report of the Working Group on the Universal Periodic Review: Iraq* (March 17, 2015), U.N. Doc. A/HRC/28/14, ¶ 60.



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- <sup>18</sup> UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq*, UN Doc. A/HRC/38/44/Add.1 (20 June 2018), ¶ 60.
- <sup>19</sup> Margaret Coker and Falih Hassan, *A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects*, New York Times, 17 Apr. 2018, <https://www.nytimes.com/2018/04/17/world/middleeast/iraq-isis-trials.html>.
- <sup>20</sup> *Special Rapporteur on extrajudicial, summary or arbitrary executions*, *supra* note 18, ¶ 60.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> Penal Code of Iraq, Paragraph 136.
- <sup>23</sup> Human Rights Watch, *World Report 2018: Iraq Events of 2017*. Available online at <https://www.hrw.org/world-report/2018/country-chapters/iraq>.
- <sup>24</sup> U.S. Department of State, *supra* note 16, at 9.
- <sup>25</sup> *Special Rapporteur on extrajudicial, summary or arbitrary executions*, *supra* note 18, ¶ 61.
- <sup>26</sup> *Ibid.*
- <sup>27</sup> Human Rights Watch, *supra* note 13.
- <sup>28</sup> *Special Rapporteur on extrajudicial, summary or arbitrary executions*, *supra* note 18, ¶ 63.
- <sup>29</sup> *Ibid.*
- <sup>30</sup> Amnesty International, *supra* note 1.
- <sup>31</sup> *Id.*
- <sup>32</sup> Amnesty International UK - *Press Release: Iraq: Alarming Reports of 3,000 on Death Row on Terrorism Charges* (March 21, 2018). Available online at <https://www.amnesty.org.uk/press-releases/iraq-alarming-reports-3000-death-row-terrorism-charges>.
- <sup>33</sup> *Special Rapporteur on extrajudicial, summary or arbitrary executions*, *supra* note 18, ¶ 59.
- <sup>34</sup> *Id.* ¶ 64.
- <sup>35</sup> *Ibid.*
- <sup>36</sup> *Id.* ¶ 66.
- <sup>37</sup> Geneva International Centre for Justice, *Death Penalty in Iraq: Latest Developments*, July 2016, <http://www.gicj.org/un-special-procedures-appeals/iraq/450-death-penalty-in-iraq-latest-developments>.
- <sup>38</sup> Coker & Hassan, *supra* note 19.
- <sup>39</sup> *Iraq leader says Islamic State foreign fighters may face death penalty: Interview*, Reuters, 7 March 2019, <https://www.reuters.com/article/us-iraq-islamic-state/iraq-leader-says-islamic-state-foreign-fighters-may-face-death-penalty-interview-idUSKCN1QO2E9>.
- <sup>40</sup> Amnesty International Global Report, *supra* note 1; Giada Girelli, *The Death Penalty for Drug Offences: Global Overview 2018* (Harm Reduction International, February 2018), [https://www.hri.global/files/2019/02/22/HRI\\_DeathPenaltyReport\\_2019.pdf](https://www.hri.global/files/2019/02/22/HRI_DeathPenaltyReport_2019.pdf).
- <sup>41</sup> Human Rights Watch, *Iraq: Chilling Accounts of Torture, Death - Investigate Abuse During Interrogations in Mosul (August 19, 2018)*. Available online at <https://www.hrw.org/news/2018/08/19/iraq-chilling-accounts-torture-deaths>.
- <sup>42</sup> *Id.*
- <sup>43</sup> *Id.*
- <sup>44</sup> Human Rights Watch, *supra* note 13.
- <sup>45</sup> Amnesty International, *Iraq 2017/2018*. Available online at <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iraq/report-iraq/>.
- <sup>46</sup> Human Rights Watch, *Iraq: Hundreds Detained in Degrading Conditions - Over 1,200 ISIS Suspects in Filthy Overcrowded Jails* (March 13, 2017). Available online at <https://www.hrw.org/news/2017/03/13/iraq-hundreds-detained-degrading-conditions>.
- <sup>47</sup> Human Rights Watch, *supra* note 41.
- <sup>48</sup> Human Rights Watch, *News Release - Iraq: Judges Disregard Torture Allegations* (July 31, 2018). Available online at <https://www.hrw.org/news/2018/07/31/iraq-judges-disregard-torture-allegations>.
- <sup>49</sup> *Id.*

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<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Special Rapporteur on extrajudicial, summary or arbitrary executions, supra* note 18, ¶ 64.

<sup>55</sup> *Id.* ¶ 67.

<sup>56</sup> Coker & Hassan, *supra* note 19.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> *Iraq sentences Belgian man to death for belonging to Islamic State*, Reuters, 18 Mar. 2019, <https://uk.reuters.com/article/uk-mideast-crisis-iraq-belgium/iraq-sentences-belgian-man-to-death-for-belonging-to-islamic-state-idUKKCN1QZ1JU>.

<sup>63</sup> *Iraq begins legal proceedings against 14 French Islamic State fighters: sources*, Reuters, 15 Mar. 2019, <https://www.reuters.com/article/us-mideast-crisis-iraq-france/iraq-begins-legal-proceedings-against-14-french-islamic-state-fighters-sources-idUSKCN1QW29T>.

<sup>64</sup> *Ibid.*

<sup>65</sup> Coker & Hassan, *supra* note 19.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Special Rapporteur on extrajudicial, summary or arbitrary executions, supra* note 18, ¶ 68.

<sup>69</sup> Human Rights Watch, *Iraq: Key Courts Improve ISIS Trial Procedures*, 13 Mar. 2019, available at <https://www.hrw.org/news/2019/03/13/iraq-key-courts-improve-isis-trial-procedures>.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*