



United Nations Office of the  
High Commissioner for Human  
Rights



UNITED NATIONS Assistance  
Mission for Iraq (UNAMI) Human  
Rights Office

# Report on Human Rights in Iraq: January – June 2014

UNAMI Human Rights Office/OHCHR,  
Baghdad

August 2014



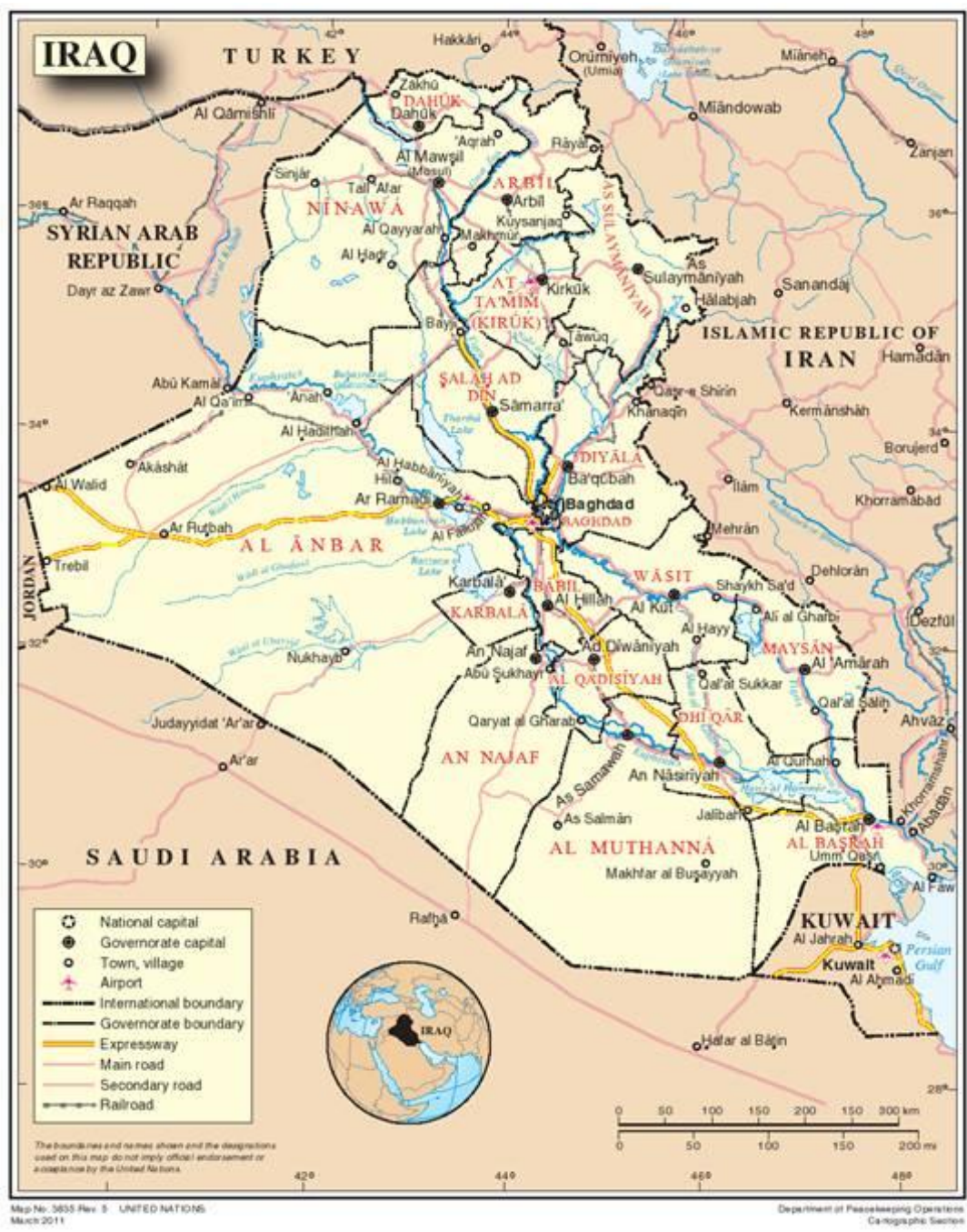
**Report on Human Rights in Iraq:  
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and  
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

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# Map of Iraq



Source: United Nations Department for Peacekeeping Operations Cartographic Section, 2011



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## Executive Summary

*This report is published by the Human Rights Office of the United Nations Assistant Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) under their respective mandates.<sup>1</sup> It covers the period from 1 January to 30 June 2014.*

*The report presents a summary of accounts received by UNAMI human rights officers concerning violations of international human rights and humanitarian law, as well as a wide range of human rights concerns.*

*UNAMI and OHCHR registered an increase in the numbers of civilians killed and injured as a result of armed conflict and acts of terrorism in the first half of 2014. Iraq suffered a significant deterioration in the security environment, with the spread of the non-international armed conflict from Anbar, where it commenced in January 2014, to other parts of northern and central Iraq. During the reporting period, UNAMI registered a minimum of 5,576 civilians killed and 11,666 wounded throughout Iraq. This represents an increase of 56.6 per cent on overall casualties than the same period in 2013. June was the deadliest month yet for 2014 and since 2008, with a minimum of 1,775 civilians killed and 2,351 wounded.*

*The use of improvised explosive devices (IEDs), vehicle-borne IEDs (VBIEDs); and individuals as suicide bombers either Body Born IEDs (BBIEDS), or driving vehicles packed with explosives – Suicide Vehicle Born IEDs (SVBIEDs), continued to claim the largest numbers of civilians. IEDs claimed the lives of 1,828 civilians and wounded at least 5,677 across Iraq. Baghdad suffered IED attacks on an almost daily basis with a daily average of 1.66 attacks. Ninewa, Kirkuk, Salah-al-Din and Diyala governorates also suffered from IED and complex and/or coordinated attacks. Southern Iraq experienced sporadic IED attacks in much the way as the last six months of 2013. UNAMI recorded a minimum of 245 “execution-style” killings of victims following their abduction. 39 such killings were recorded in Baghdad between 9 and 30 June 2014. There were also at least 95 civilians who were directly targeted and shot by unidentified gunmen, including State employees, journalists, and lawyers.*

*Several incidents occurred in the run up to the parliamentary election for the Council of Representatives on 30 April. Places designated as polling stations were repeatedly targeted in the period prior to and during election day, including schools.*

*There were 12,242 detainees in pre-trial detention and 25,063 convicted prisoners at the end of April. All detainees were held under the authority of four government institutions: the Ministry of Justice (MoJ), the Ministry of Interior (MoI), the Ministry of Defence (MoD), and the Ministry of Labour and Social Affairs (MoLSA). MoJ held 7,302 detainees and 22,903 convicted prisoners; MoI held 4,002 detainees and 1,254 convicted prisoners; MoD held 791 detainees and no convicted prisoners; and MoLSA held 147 detainees and 906 convicted prisoners. Of pre-trial detainees, 289 were women and 233 were children, while there were 730 convicted women and 1,077 convicted children. MoJ informed UNAMI on 10 July that 1,623 detainees and prisoners held in MoJ-run facilities were deemed eligible for release by the Ministry. Of these, however, 829 remained in custody because MoI informed the Ministry that other charges were pending against them.*

*UNAMI continued to conduct monitoring visits to detention centres and prisons under the authority of the MoJ with the full support and cooperation of the Ministry. Overcrowding was a recurrent*

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<sup>1</sup> In resolution 1770 of 10 August 2006, the United Nations Security Council, at paragraph 2(c) specifically requested UNAMI to “promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq;...” UNAMI mandate was extended in the same terms for 2014/2015 by Security Council resolution 2169 of 30 July 2014. In accordance with its mandate, UNAMI Human Rights Office conducts a range of activities aimed at promoting the protection of civilians in armed conflict, including undertaking independent and impartial monitoring of, and reporting on, armed violence and its impact on civilians and violations of international humanitarian law and international human rights law.

*problem in the facilities monitored. Despite efforts by MoJ, UNAMI noticed that the planned construction of new facilities and the refurbishment of the existing ones proceeded at a slow pace. It also continued to observe problems with the provision of health services in detention facilities and prisons.*

*UNAMI continued to receive allegations directly from detainees and prisoners that they had been subjected to torture and/or ill-treatment while in detention. Nearly all such alleged cases occurred in detention facilities under the authority of MoI and the Counter-terrorism Directorate of the Prime Minister's Office. In southern Iraq, as part of its work on trial monitoring, UNAMI heard a number of defendants allege that they had been subjected to torture and/or ill treatment in police detention centres to force confessions prior to transfer to MoJ facilities.*

*From January to June, UNAMI monitored proceedings in 92 criminal trials in the four governorates of southern Iraq: Basra, Thi-Qar, Maysan and Muthanna. In 17 trials monitored by UNAMI in the reporting period, a total of 28 defendants claimed before the court that police had tortured them to force them to confess to the crime for which they were charged. In all cases, judges failed to order an investigation into torture allegations. The courts often proceeded to convict the accused and sentence them to long periods of imprisonment or capital punishment based on these confessions.*

*UNAMI continued to receive claims from detainees and prisoners that they had been held in custody for periods beyond those prescribed by Iraqi law. Many such claims were made by persons detained under the Anti-Terrorism Law No. 13 of 2005, some of whom alleged having been held for periods of up to eight years without charge or trial.*

*The Government of Iraq continued to implement death sentences, despite repeated calls from the United Nations Secretary-General, the High Commissioner for Human Rights and UNAMI to implement a moratorium on the death penalty with a view to its abolition in accordance with United Nations General Assembly resolutions. During the first half of 2014, the Government of Iraq executed 52 male prisoners; most had been convicted under the Iraqi Anti-Terrorism Law.*

*During the reporting period, the Government took some steps towards the promotion and protection of the rights of women and girls in Iraq. On 6 February, the Ministry of Women's Affairs launched the National Action Plan to implement the United Nations Security Council (SC) Resolution 1325 on women, peace and security. In April, the Council of Ministers approved the National Strategy on the Advancement of Women (2014- 2018), which complements the action plan. However, in a grave development, on 25 February, the Council of Ministers approved the highly contested al-Ja'afari Personal Status draft law, which in the view of UNAMI and a number of Iraqi civil society organisations would seriously undermine the rights of women to whom it would apply.*

*The establishment of Family Protection Units (FPUs) responsible for following up on violence against women cases, albeit limited to the provincial capitals and major cities, have improved women and girls' access to justice. However, a major impediment to FPUs work is the Council of Representatives' failure to pass the draft Family Protection Law that could, if strengthened, provide the specialised provisions these crimes require.*

*The Family Protection Law remains a draft and requires improvement before it is adopted. The draft Shelter policy for the regulation, management and resourcing of shelters remained pending a review by the Ministry of Labour and Social Affairs (MoLSA). As such, women still have nowhere to seek sanctuary and claim their legal rights and are often sent to female prisons for protection. Men who kill family members for reason of "honour" are very rarely investigated or charged by police, and those that are can avail themselves of provisions of the Iraqi Penal Code No. 111 of 1969 to have their sentences reduced or to be discharged by the courts. Such crimes are widely accepted particularly amongst rural communities and many cases go unreported.*

*During the reporting period, the United Nations Country Task Force on the Monitoring and Reporting (CTFMR) on grave violations against children received 210 reports of incidents that resulted in the*

*killing and/or maiming of children. CTFMR was able to verify 160 of these incidents. These attacks led to at least 361 child casualties: at least 24 girls, 79 boys, and 48 children of unknown sex were killed; and at least 47 girls, 146 boys and 17 children of unknown sex were injured. CTFMR was able to verify 160 of these incidents.*

*UNAMI also recorded 42 attacks on schools and teachers throughout Iraq. Attacks on schools used as polling stations occurred in the lead up and during the parliamentary elections held in April. UNAMI documented 23 such attacks, of which at least 18 occurred during the two days of polling.*

*There was also an increase in child abductions as armed groups targeted children whose parents work for or are connected with the political or military authorities. These incidents are rarely brought to the attention of the police or the United Nations for fear of retaliation for the families. Such abductions are usually aimed at eliciting a ransom or to intimidate.*

*Recruitment of children by terrorist and armed groups increased. While reports of recruitment of children by the so-called 'Islamic State in Iraq and the Levant' (ISIL) mostly came from Anbar in the first part of the reporting period, incidents were also documented in other conflict-affected areas, such as Ninewa, Diyala, Kirkuk and Salah-al-Din, from June onwards.*

*Members of Iraq's ethnic, religious and linguistic groups were directly targeted during the reporting period. Such attacks increased in June with ISIL's takeover of Mosul and the extension of armed conflict into Salah al-Din, Kirkuk and Diyala governorates. Members of several ethnic and religious communities – Christians, Kaka'ee, Sabeen-mandean, Shabaks, Turkmens and Yezidi - were deliberately targeted. Particularly vulnerable were women, children, elderly people, and persons with disabilities from direct violence but also those who were displaced on account of the violence or who remained stranded without access to humanitarian assistance. The draft law on the Protection of Religious and Ethnic Minority Group Rights remained stalled before the Committee for Minority Rights of the Council of Representatives. UNAMI remains concerned that the current draft does not meet relevant international standards and requires revision.*

*On 26 January, the Minister of Labour and Social Affairs (MoLSA) informed UNAMI that his Ministry was in the process of establishing a Board to develop policies on the protection and promotion of the rights of people with disabilities, in accordance with the Law for the Care of Persons with Disabilities and Special needs adopted by the Council of Representatives on 5 September 2013. UNAMI remains concerned that the Board would be under the control of MoLSA, which compromises its independence and ability to act in the best interest of people with disabilities. Additionally, no budget had been allocated for the Board.*

*Respect for freedom of expression and the protection of journalists and media outlets remained of concern. UNAMI continued to receive reports of attacks on journalists including killings and attempted murders, death threats, arrests, harassment, and confiscation of equipment during the reporting period. A number of public demonstrations and protests took place in different areas of Iraq, including Baghdad, Basra, Kirkuk, Nineveh, and Thi-Qar, mainly to demand improvement in the conditions of public services and living standards from the concerned authorities. These demonstrations were respected by the authorities and most passed without incident.*

*The Iraqi High Commission for Human Rights (the Commission) continued its development, with the Commissioners undertaking a number of activities, including monitoring prisons and places of detention, and investigations of acts of violence and excessive use of force in demonstrations. However, UNAMI has concerns about the Commission's independence, particularly its failure to elect a President for the Board of Commissioners, which adversely affected its ability to implement its mandate in full compliance with the international standards and Law No. 53 of 2008 establishing the Commission.*

*No further progress was made by the National Committee on Human Rights for the Coordination and Follow-up on Implementation of the National Action Plan (NAP) on Human Rights, which is chaired by*

the Ministry of Human Rights (MoHR). Some 25 per cent of the Universal Periodic Review (UPR) recommendations accepted by Iraq in its first review in 2010 have been fully implemented, while 73 per cent of the recommendations have been partially implemented. Iraq will participate in the UPR again in November 2014.

### **Kurdistan Region**

The Kurdish Autonomous Region has been largely spared from the violence that besets the rest of Iraq and no major incidents were recorded in the reporting period. However, in June, the Kurdistan Region received a large number of Internally Displaced Persons (IDPs) fleeing Ninewa Governorate following ISIL's takeover.

As of the end of June 2014, there were 5,575 detainees and prisoners in the Kurdistan Region according to data provided by the authorities. Of these, 2,850 were pre-trial detainees and 2,725 were convicts, including 2,402 men, 84 women and 239 juveniles. UNAMI remains concerned at overcrowding and poor sanitary conditions in many prisons and detention centres, while recognising that the Kurdistan Regional Government continued efforts to address these problems. UNAMI received numerous reports of significant delays in the completion of investigation and bringing accused persons to trial. At the beginning of 2014, 131 persons under investigation were detained beyond the statutory limits, including 17 detainees held for more than two years. Only a few detainees were granted bail. More than 24 detainees claimed that they had had no access to lawyers and some claimed they had not been permitted contacts with their families.

During UNAMI monitoring visits, 35 detainees made credible allegations of torture and/or ill-treatment, mostly at the hands of the Anti-Crime Police, or by the Asayish in rural areas during the initial investigation period to obtain confessions. Concrete improvements in this area remain to be seen although dialogue on specific cases continued and UNAMI noted the willingness of the authorities to address these issues.

There were 48 female (pre-trial) detainees and 88 female prisoners in the three reformatories in Erbil, Sulaymaniyah, and Dohuk at the end of June. UNAMI monitored the facilities and found that the conditions were generally good across the reformatories. Sixteen of the women in prison faced the death penalty following their conviction for murder.

The Kurdistan Regional Government continued to practice an unofficial moratorium on the death penalty and no executions took place during the first six months of 2014.

According to official figures released by the Police Directorate of Combating Violence against Women (DCVAW), the police and judiciary received 3,503 allegations of violence against women in the first six months of 2014. The highest number of incidents was reported for Erbil with 1,351 allegations of domestic violence, followed by Dohuk with 822, and Sulaymaniyah with 639. The incidents included 2,832 cases of physical abuse, 158 cases of self-immolation, when women allegedly set fire to themselves, and 75 cases of sexual abuse. Additionally, 38 women were reported to have been murdered. DCVAW could not provide details of the number of arrests and prosecutions carried out.

The Shelter Policy, Instruction no-2 for 2014 Shelter for Women under Threat, was finally approved on 10 July, after MoLSA submitted on 28 May to the Council of Ministers a revised final draft that incorporated inputs from NGOs, women's rights activists, United National agencies and other actors. The policy is expected to set the minimum standards for the establishment and management of all women's shelters within the Region.

Progress on implementing the 2011 law on protection of the rights of persons with disabilities in the Kurdistan Region remains slow. People with disabilities continued to call on the Kurdistan Region Government to accelerate the implementation of the law and to introduce some amendments to provide persons with disabilities and their care providers increased pensions, better health insurance coverage, housing, entitlement to loans, and other benefits.

*The Kurdistan Regional Government did not report any progress in the implementation of the Regional Action Plan for Human Rights during the first half of 2014. The Inter-ministerial Committee, tasked by the Kurdistan Regional Government with overseeing the implementation of the National Action Plan, ceased operations at the end of 2013 when the Committee submitted its contribution to IHCHR for Iraq's submission, ahead of the UPR in October 2014.*



# Recommendations

## Recommendations for the Government of Iraq

### **General**

1. Consider acceding to the Optional Protocol to the Conventional Against Torture (OP-CAT) and the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR), among other instruments;
2. Review the reservations made by Iraq upon accession to international human rights treaties, with a view to their possible withdrawal.
3. Consider acceding to the 1951 Convention on the Status of Refugees (and its 1967 Protocol); the 1954 Convention Relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; and the Additional Protocol II to the Geneva Conventions of 1949; and ratify the Rome Statute of the International Criminal Court.
4. Guarantee the independence and effective functioning of the Iraq High Commission for Human Rights in accordance with the principles established by United Nations General Assembly resolution 48/143 (1993) ("The Paris Principles").
5. Consider accepting individual complaints procedures under relevant international conventions.

### **Protection of civilians from armed conflict and terrorism**

6. Develop policies to address the conditions conducive to armed conflict and terrorism that promote the respect and protection for human rights and the rule of law, including re-engaging affected communities in decisions relating to their security, ensuring effective protection through impartial security forces, undertaking law reform to ensure compliance with due process and fair trial standards, implementing de-radicalisation programmes and anti-poverty strategies by ensuring access to basic services, education and economic opportunities, and ensuring integrated and comprehensive programmes for the medical, psychological, financial and other forms of support for the victims of armed conflict and terrorism and their dependents.
7. Ensure that appropriate resources and training for police and security forces are provided to assist investigation of crimes, including acts of terrorism so that perpetrators are held to account according to the law and international human rights standards.
8. Ensure compliance by police forces and all officials engaged in law enforcement and the administration of justice with Iraq's obligations under its Constitution and laws and in compliance with Iraq's international legal obligations, including with respect to persons detained in relation to terrorism.

### **Respect for rule of law**

9. Amend the Anti-Terrorism Law no. 13 of 2005 to ensure that its provisions comply with international human rights law and the Constitution of Iraq, including with regard to rights of due process.
10. Undertake legal, administrative and institutional reform to ensure that all prisons and places of detention are under the authority of the Ministry of Justice and that they are serviced by dedicated personnel accountable to the Ministry.
11. Undertake legal and administrative reforms to ensure that no detainee is held by police for longer than 24 hours before release or formal charge and transfer to a Ministry of Justice facility.
12. Devote resources to training police and investigators on appropriate techniques for investigating crimes, including the gathering of forensic and other evidence.

13. Ensure compliance by all State officials and their representatives with Iraq's Constitutional and international legal obligations, including in relation to the full implementation of the Convention against Torture. Ensure that all allegations of torture and other forms of ill-treatment are promptly, thoroughly, impartially and independently investigated, that perpetrators are charged and tried according to law, and that victims are appropriately and adequately compensated, including by providing appropriate medical, social and other assistance.
14. Establish an independent oversight body, such as an ombudsman or police disciplinary tribunal, to investigate allegations of abuse of authority or breach of professional standards by police.
15. Establish a judicial police service responsible for bringing detainees from police detention to hearings with the investigative magistrate. Also ensure defendants who have been before the investigative magistrate are not returned to police custody and are released on bail or transferred to Ministry of Justice facilities.
16. Extend the Judicial Investigations Office, piloted in Basra, to all areas of the country.
17. Consider reinstating the Accelerated Judges Programme to tackle shortages of judges.
18. Ensure that Police Commanders are rotated in accordance with institutional directives.
19. Consider increasing security for judges.

#### ***Death Penalty***

20. Declare a moratorium on the use of the death penalty in accordance with United Nations General Assembly resolutions 62/149 (2007), 63/168 (2008), 65/206 (2010) and 67/176 (2012); review the criminal code and the criminal procedure code with a view to abolishing the death penalty or limiting its potential application to only the most serious and grave of crimes; and consider acceding to the Second Optional Protocol to ICCPR aimed at abolishing the death penalty.
21. Implement international standards that provide safeguards of the rights of those facing the death penalty, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, until the death penalty is abolished in Iraq.
22. Establish a special judicial oversight body to monitor capital trials in collaboration with the Ministry for Human Rights to ensure respect for due process and fair trial standards.
23. Issue practice directives to judges not to convict on the sole basis of disputed confession evidence or evidence obtained under duress particularly where allegations of torture and/or ill-treatment have been made, or testimony of secret informants, especially in capital trials.

#### ***Women's rights***

24. Revise the draft Family Protection Law to ensure that it meets relevant international standards and ensure its earliest adoption.
25. Ensure that the National Strategy on Combating Violence against Women is fully implemented, including:
  - a) Review all legislation to ensure it promotes the rights and protection of women, in particular that the Iraqi Criminal Code no. 111 of 1969 is amended to remove 'honour' as a mitigating factor in the commission of crimes of violence against women and family members.
  - b) Provide adequate resources for social and medical support, including establishment of shelters, for victims of domestic or other forms of violence.
  - c) Issue directives that require officials responsible for law enforcement and administration of justice to properly and fully investigate all allegations of violence against women, and to ensure that perpetrators are dealt with according to law.
  - d) Conduct appropriate training courses on gender issues, particularly violence against women, for all State officials responsible for law enforcement and the administration of justice so as to enable them to address cases in an appropriate and sensitive manner.



26. Take additional measures to prevent forced marriages and ensure that victims are provided with appropriate legal, medical, financial and other support.
27. Ensure police conduct thorough investigations into suspected honour crimes and introduce accountability measures for those that do not.

#### ***Children's rights***

28. Reform the juvenile criminal justice system to ensure that alternatives to detention are considered for children in conflict with the law.
29. Ensure that juvenile detention facilities provide access to services and conditions appropriate for the physical and mental care and development of children, and that all staff members working with children are appropriately trained in the care of children.
30. Ensure the implementation of programmes to guarantee access of all children to basic services, including healthcare, housing and education.
31. Establish a formal mechanism for child protection and information sharing with the United Nations Country Task Force on Monitoring and Reporting.
32. Repeal article 407 of the Iraqi Criminal Code no. 111 of 1969, which contains special measures for persons who kill children for reasons of honour.

#### ***Rights of ethnic, religious and other groups***

33. Ensure the bill on Protection of Religious and Ethnic Minority Group Rights be amended so that it provides: an appropriate and inclusive definition of minorities, a mechanism via which minority groups can claim protection for cultural, religious, linguistic and heritage rights, cross references other legislation, removing any uncertainty about its primacy, and mechanisms for implementation capable of making binding decisions.
34. Undertake revision and reform of the school curricula to introduce programmes aimed at promoting equality and respect for all persons, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status;
35. Adopt and implement legislation to prohibit incitement to violence or discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, birth, or other status.
36. Ensure all violent incidents against minority groups are thoroughly investigated, perpetrators brought to justice in a timely and transparent manner, and communities consulted about decisions related to enhancing their security.

#### ***Right to freedom of expression and opinion***

37. Undertake a review of all existing laws and policies to ensure that they provide and protect the right to freedom of expression and opinion of all persons, and repeal those provisions of the criminal laws concerning defamation;
38. Ensure that all prospective legislation respects and protects the rights of all individuals to receive and impart information freely and without hindrance, unless restricted for legitimate purposes as permitted by international law; and
39. Ensure journalists are protected against harassment and violence in the performance of their profession, and that all allegations of such harassment or violence be promptly and thoroughly investigated, and those responsible held accountable according to law.

#### ***Right to freedom of assembly***

40. Ensure the right of individuals to demonstrate peacefully is fully respected by police and other State authorities in line with applicable international norms.
41. Ensure training for police and other law enforcement officials on civilian crowd control in compliance with international standards.

42. Undertake public education campaigns aimed at creating awareness of individuals' rights, duties, and obligations, particularly in relation to the rights to freedoms of expression, opinion and assembly.

### **Recommendations for the Kurdistan Regional Government**

1. Release immediately or, where appropriate, prosecute, all detainees held for prolonged periods of time without charge; and ensure that detainees are brought to trial promptly, in full accordance with international fair trial standards.
2. Continue programmes aimed at reducing overcrowding in detention facilities and prisons through construction of new facilities, and review the necessity of pre-trial detention.
3. Limit the routine practice of applying isolation upon admission of detainees suspected of serious offences.
4. Establish the legal age of criminal responsibility at 13 years and institute alternatives to imprisonment of juveniles.
5. Enact the Public Prosecution Law, establishing Standard Operating Procedures for Asayish and Police and take steps to ensure that all investigations are conducted under the authority of the Judicial Investigator.
6. Ensure the appointment of sufficient numbers of judges and prosecutors who possess appropriate legal qualifications, are trained in the application of legislation and dedicated to upholding the highest standards of rule of law, fair trial, impartiality and administration of justice.
7. Strengthen the Law on Combating Domestic Violence to extend its scope so that all forms of violence against women, not only domestic violence, are covered; and to make progress towards its full implementation.
8. Review and amend the existing law on the rights of persons with disabilities to ensure it is in conformity with the Convention on the Rights of Persons with Disabilities, and that it is fully implemented. The Kurdistan Region Government should establish an Inter-Ministerial Council for Monitoring and Developing People with Special Needs (Article 4) that includes representatives of Disabled People's Organizations.
9. Ensure journalists are protected against harassment and violence in the performance of their profession, and that Courts address the cases of journalists in accordance with the Journalism Law of the Kurdistan Region (Law No. 35 of 2007).
10. Ensure that the right of individuals to demonstrate peacefully is fully respected by police and other authorities; and that appropriate training is provided to all police officials on civilian crowd control.
11. Introduce public education on human rights.
12. Ensure the implementation of the Right to Access Information Law No. 11 of 2013, while considering further measures to strengthen the law in compliance with international human rights standards.
13. Streamline, simplify and implement policies and regulations applicable to migrant workers and unify all procedures under one office or ministry. Ensure that information regarding registration processes, rights and responsibilities of migrant workers is available in multiple languages, including electronically, at places of entry to the Kurdistan Region. Investigate and take strict action against companies that fail to register migrant workers within the legal timeframe.

# Human Rights in Iraq: January-June 2014

## 1. Introduction

The respect and protection of human rights in Iraq significantly deteriorated during the reporting period. The non-international armed conflict, that commenced in Anbar Governorate in January 2014, spread to areas of north and north central Iraq at the beginning of June, inflicting untold hardship and suffering on the civilian population including killings, injuries, ethnic cleansing, abductions, physical and sexual assault, destruction and damage to livelihoods and property, destruction of sites of religious and cultural significance, and other systematic and widespread human rights violations, perpetrated in particular by ISIL<sup>2</sup> and associated armed groups. There was a concomitant deterioration in respect for rule of law and human rights in others areas of the country not directly affected by the armed violence, with the reappearance of armed groups that perpetrated targeted killings and kidnappings, and other acts of violence and intimidation targeting members of diverse ethnic and religious groups, women, and individuals based on perception of their sexual orientation.

There were also on-going concerns about the respect and protection of the rights of women, of diverse religious, cultural and ethnic groups, and of people with disabilities, particularly their protection from violence, and their full and equal participation in the social, economic, and political life. Access to basic services, including electricity, water, healthcare, housing and economic opportunities, remain unequal for many people in various parts of the country. Respect for the rights of freedom of expression and freedom of assembly remained inconsistent – with media professionals continuing to be targeted in acts of violence and intimidation.

On a positive note, the first parliamentary elections in four years were held throughout the country on 30 April 2014. The United Nations Secretary-General commended the Independent High Electoral Commission (IHEC) for its professional organization of the ballot and oversight of the conduct of the voting process, despite the challenging security environment.

## 2. Protection of Civilians

### 2.1 Civilian casualties

The armed conflict that commenced in January 2014 in Anbar Governorate intensified and spread to other areas of the country, culminating on 10 June with the takeover by ISIL and associated armed groups of Mosul, the capital of Ninewa Governorate and second largest city in Iraq, along with areas in Salah al-Din, Kirkuk and Diyala governorates.

According to UNAMI monitoring in the period under review,<sup>3</sup> a minimum 5,576 civilians were killed and 11,666 were wounded throughout Iraq.<sup>4</sup> This was an increase of 73 per cent in civilians killed

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<sup>2</sup> ISIL grew out of a number of Islamist extremist insurgency and terrorist groups, most importantly 'al-Qa'eda in Iraq' ("AQ-I"); it was known formerly as the Islamic State of Iraq ("ISI"), and is also referred to as the Islamic State of Iraq and Syria ("ISIS"). It is often referred to by its Arabic acronym '*da'esh*'. On 30 June 2014, the group claimed to have renamed itself 'Islamic State' (*al-dawla al-islamiyya*) on 30 June 2014, see for example: <http://www.reuters.com/article/2014/06/29/us-syria-crisis-iraq-idUSKBN0F40SL20140629> (Accessed 30 June 2014).

<sup>3</sup> Wherever possible, UNAMI sought to verify the information contained in this report directly with witnesses and primary sources, or via at least two independent sources. There were circumstances whereby the security situation in Iraq or other constraints did not allow this. UNAMI adopted a conservative approach to reporting figures. When different sources agreed on an incident but differed on casualty figures, for example, UNAMI used the most credible figure.

and 49.5 per cent in civilians injured compared with the same period in 2013.<sup>5</sup> June was the deadliest month since 2008, with a minimum of 1,775 civilians killed and 2,351 wounded.<sup>6</sup> The single deadliest incident of the reporting period occurred on 9 March in Hilla, Babil Governorate, when an individual detonated a tanker rigged with explosives at a checkpoint at the northern entrance to the city, killing 47 civilians and wounding 125.

## 2.2 Attacks against civilians and civilians objects

The use of IEDs, including VBIEDs, and individual suicide bombers either wearing explosive vests (BB or Body Borne IEDs) or driving vehicles packed with explosives (SVB or Suicide Vehicle-Borne IEDs), continued to claim the largest numbers of civilian casualties. IED devices killed 1,828 civilians and wounded at least 5,677. VBIED attacks claimed the lives of 669 civilians and wounded 2,288. Suicide bombers killed 393 civilians and wounded 1,066. Baghdad suffered a daily average of 1.66 IED attacks (see below for more information) although other governorates saw also IEDs targeting civilians directly in public spaces, such as a cafés, recreation centres, restaurants, shopping areas and places of worship with the apparent intention to kill or injure as many civilians as possible.

UNAMI recorded 245 “execution-style” killings. Such killings significantly increased from 9 June onwards when at least 39 were killed in Baghdad alone. For example, on 14 January, 18 bodies with gunshot wounds were found in the Mashahda and Mansur districts in Baghdad. On 16 June, the bodies of the Imam of the Sunni al-Fitian Mosque in al-Saydiya neighbourhood in Baghdad and two of his congregation were found; they had been allegedly kidnapped by a Shia’ militia from the mosque on 12 June. On 24 June, nine bodies were found in several areas of Baghdad. In Kirkuk, many of the victims of abductions and killings were taxi drivers. Some 32 taxis were reportedly hijacked and 16 drivers abducted while driving on the main road between Kirkuk and Sulaymaniyah in the Kurdistan Region. At the time of writing, 15 bodies had been recovered by the security forces.<sup>7</sup>

UNAMI also confirmed the killing of at least 95 civilians who were specifically targeted, including State employees, journalists, and lawyers. For example, on 4 January, in al-Rasheed District of Baghdad, a government employee was shot dead by unidentified armed people. On 10 March, an employee of the Ministry of Industry was killed by an IED placed under his vehicle in the Sha’ab area of Baghdad. On 25 April, unidentified gunmen shot a judge who was the Deputy Head of the Kirkuk Court House in the Zab District, in the west of Kirkuk Governorate. The judge was wounded seriously during the incident and later died from his injuries. ‘Mukhtars’ or local mayors of a number of areas of Kirkuk and Salah al-Din governorates were also targeted.<sup>8</sup> In southern Iraq, a number of victims

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<sup>4</sup> This figure includes casualties from Anbar Governorate, where 1,166 civilians were killed and 4,149 wounded, according to data obtained by medical sources. Reportedly, most of the casualties were due to shelling. However, these figures have not been verified by UNAMI.

<sup>5</sup> Between January and June 2013, UNAMI reported 3,209 killed and 7,801 wounded.

<sup>6</sup> This figure includes casualties from Anbar Governorate, where during June, 244 civilians were killed and 588 were wounded, according to data obtained by medical sources. However, these statistics have not been verified by UNAMI. See “Report on the protection of civilians during the non-international armed conflict in Iraq: 5 June to 5 July 2014”, UNAMI/OHCHR,

[http://www.uniraq.org/index.php?option=com\\_k2&view=item&id=2219:un-report-documents-litany-of-human-rights-violations-in-iraq-including-possible-war-crimes-and-crimes-against-humanity&Itemid=605&lang=en](http://www.uniraq.org/index.php?option=com_k2&view=item&id=2219:un-report-documents-litany-of-human-rights-violations-in-iraq-including-possible-war-crimes-and-crimes-against-humanity&Itemid=605&lang=en) (Accessed 19 July 2014). Some incidents mentioned here are treated in more detail in the thematic report covering the first month of the conflict.

<sup>7</sup> On 11 July, the mayor of Kirkuk announced in a press conference that the Kurdish Asayish security forces had arrested 16 persons, allegedly members of the Da’esh from Diyala, accused of involvement in these abductions and executions.

<sup>8</sup> Three incidents involving the targeting of these local administrators occurred during March. On 8 March, unidentified gunmen killed the Mukhtar of Jamiye quarter in Tikrit city. On 20 March, unidentified gunmen dressed as members of the Iraqi Army broke into the home of the Mukhtar of Asakra village, killing him and injuring his son. On 25 March a VBIED detonated the car of the Mukhtar of Diyom village, west of Tikrit, seriously injuring the mayor.

were members of the police or security forces.<sup>9</sup> For example, on 11 January, an MoI Intelligence Officer was shot and wounded in Basra by an unidentified perpetrator.

Several incidents occurred in the run up to the general elections for the Council of Representatives. For example, on 3 April in Hilla, in Babil Governorate, a VBIED detonated close to a group of election candidates killing four persons and wounding five. On 8 April, five persons who were putting up election posters on the highway between Tikrit and Samarra, in Salah al-Din governorate, were shot dead. On 25 April, a complex attack involved the detonation of a VBIED and a SVBIED at a political rally at al-Sinaa stadium in Baghdad that killed 35 civilians and wounded 102.<sup>10</sup> On 28 April, in Khanaqin, in Diyala Governorate, a BBIED that detonated at a gathering of supporters of the serving Iraqi President, Jalal Talabani, killed 18 civilians and wounded 34 others.

Polling stations were repeatedly targeted in the period before and on election day. For example, on 28 April, in the Wasity quarter of Kirkuk city, a BBIED detonated at a polling station killing six police officials and wounding nine others; and in Tuz Khormato, in the Salah al-Din Governorate, a BBIED detonated at a polling station killing two police officials and wounding eight. On the same day in Baghdad, a BBIED detonated at a polling station in Adhamiya area of northern Baghdad killing seven police officials and wounding 21 others. Most of the attacks on schools reported to the United Nations during that time were linked to the use of these facilities as polling stations for the parliamentary election. (*See section - Children and armed conflict*).

Religious pilgrims continued to be targeted by unknown assailants. On 22 May, several attacks in different districts of Baghdad targeted pilgrims converging on the shrine of Imam Musa Khadim in Khadimiya in Baghdad, killing, at a minimum, 33 civilians and wounding 86. Mosques, funerals and religious leaders were also targeted. For example, on 15 January, an IED was detonated at a funeral in Buhriz, in Diyala Governorate, killing 13 civilians and wounding 18 others. On 21 April, a VBIED attack near a mosque in Sadr City in Baghdad killed five civilians and wounded 13. On 27 May, a suicide bomber blew himself up inside a Shi'a mosque in Shorja, Baghdad, killing 18 civilians and wounding 25 others. On 9 June, a VBIED and an IED were detonated in the Ur District and Shaab District of Baghdad – targeting Shi'a mosques - killing six civilians and wounding 13 others. On 10 June, in Baquba, Diyala Governorate, 30 civilians were killed and nine were injured in two IED attacks targeting a funeral they were attending.

### **2.3 Areas affected by violence in Iraq**

Civilians living in Baghdad were badly affected by armed violence and acts of terrorism during the reporting period. As noted above, the capital suffered a daily average of 1.66 IED attacks.<sup>11</sup> Baghdad also suffered a number of complex and coordinated attacks, which involved a combination of IEDs, suicide bombers, and small arms fire; or multiple attacks that took place within a short period of time in what appeared to be a coordinated plan. For example, on 30 January, a complex attack targeting offices in the Ministry of Transportation killed 15 and wounded 28 others. On 5 February, two attacks involving the use of BBIEDs - one near the main gate of the Ministry of Foreign Affairs (MoFA) and the other close to a checkpoint entry to the Green Zone - killed 18 civilians and wounded 28. On the evening of 7 June, six VBIEDs were detonated in Baghdad within one hour in what seemed to be coordinated attacks, killing 18 civilians and wounding 53 others. On 25 June, a complex attack involving the use of an IED and a BBIED in a market in Mahmudiya in Baghdad killed 12 civilians and wounded 46 others.

Armed insurgent and terrorist groups also stepped up their attacks on recreational spaces and commercial places in Baghdad. On 27 February, an explosion in Mridy Market in Sadr City killed 27

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<sup>9</sup> UNAMI monitored each reported killing to establish whether it occurred for political and/or conflict-related reasons.

<sup>10</sup> "SRSG Condemns Election Related Violence, Calls for Restraint", UNAMI Press Release, 26 April 2014, [http://www.uniraq.org/index.php?option=com\\_k2&view=item&id=1903:srsg-condemns-election-related-violence-calls-for-restraint&Itemid=605&lang=en](http://www.uniraq.org/index.php?option=com_k2&view=item&id=1903:srsg-condemns-election-related-violence-calls-for-restraint&Itemid=605&lang=en) (Accessed 27 April 2014).

<sup>11</sup> It was 1.5 in the period Jul-Dec 2013.

civilians and wounded 40 others. On 19 March, the detonation of an IED inside a café in the Washash District killed 14 civilians and wounded 27 others. On 27 March, a VBIED attack in a market in Adhamiya, a neighbourhood in the east of capital, and an IED attack in a commercial area in al-Saidiya neighbourhood in al-Rasheed District of Baghdad, killed 10 civilians and wounded 40 others. On 21 April, a suicide bomber detonated himself inside a café in the Karrada District killing nine civilians and wounding 19. On 10 May, a VBIED that detonated near a restaurant in Habibiya killed four civilians and wounded ten others. On 15 June, a BBIED attack in a market in Bab al-Sharj killed 10 civilians and wounded 24.

Prior to June, the governorates of Ninewa, Salah al-Din, Kirkuk and Diyala had already experienced a sustained level of violence that had taken a high toll on civilians. For example, on 14 January, a mosque in Kirkuk city was targeted using a VBIED, which killed five civilians and wounded seven others. On the same day, in al-Nasr, a VBIED attack killed three civilians and wounded 11 others. On 26 January, the detonation of VBIEDs in Kirkuk killed five civilians and wounded 15 others. On 21 March, a VBIED attack in Dibis, targeting civilians celebrating *Nawrooz*, killed two civilians and wounded 21 others. On 2 April, a BBIED in Riyadh killed five civilians and wounded nine others. On 4 June, two IED attacks in Kirkuk targeting a car park and a liquor shop killed 13 civilians and wounded 11 others.

In Diyala, on 2 January, a VBIED detonated in a car showroom in Baladrooz killing 14 civilians and wounding 36 others. On 26 February, a VBIED detonated in a market in Khan Bani Saad sub-district wounding seven civilians; on the same day, an IED exploded near a civilian vehicle in Kanaan sub district, killing four civilians and wounding five others. On 29 April, the detonation of two IEDs in Saadiya and Qatoon killed 20 civilians and wounded 57 others. On 8 June, in Jalawla sub district, a complex attack targeting the office of the Patriotic Union of Kurdistan (PUK) using a VBIED followed by a BBIED killed 8 civilians and 6 police officers, and wounded 50 civilians as well an unknown number of police officers and soldiers.

As reported in UNAMI/OHCHR first Protection of civilians report covering the period from 5 June to 5 July 2014<sup>12</sup>, the situation in Ninewa Governorate rapidly deteriorated in early June, when ISIL and associated armed groups took over the western part of Mosul city and then, after a few days, the area of the city on the left bank of the Tigris river, followed by other areas of Ninewa, Salah al-Din, Kirkuk and Diyala governorates. UNAMI received a high volume of reports of human rights violations committed by ISIL and associated armed groups. The following examples have been particularly highlighted in the aforementioned report. On 11 June, 17 civilians who worked for the police were killed on Street 60 in Mosul, close to the airport. On the same day, another 12 unarmed men, believed to have been captured Iraqi Security Forces (ISF) personnel, were summarily executed in al-Dawasa area. On 12 June, the Imam of the Grand Mosque in Mosul was summarily executed for refusing to pledge allegiance to ISIL. Attacks on minorities increased exponentially during the month of June as more areas of Ninewa, Salah al-Din, Kirkuk, and Diyala governorates came under the control of ISIL and associated armed groups. On 10 June ISIL seized control of Badoush prison in Mosul and systematically killed up to 670 Shi'a and other non-Sunni prisoners according to investigations carried out by UNAMI among survivors of the massacre. UNAMI also verified reports that on the night of 14 June, at least 31 detainees were killed at the police anti-terrorism office in al-Qalaa, Tal Afar, by ISF before fleeing their posts shortly before the arrival of ISIL. On 12 June ISIL claimed to have captured and murdered approximately 1,700 *hors de combat* soldiers and other military personnel from Speicher military base; photographs and video of these murders were posted by ISIL on social media.<sup>13</sup> On 18 June, during clashes between ISF and ISIL in villages between

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<sup>12</sup> Published on 15 July,

[http://www.ohchr.org/Documents/Countries/IQ/UNAMI\\_OHCHR\\_POC%20Report\\_FINAL\\_18July2014A.pdf](http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC%20Report_FINAL_18July2014A.pdf)

<sup>13</sup> The Army Chief's Spokesperson stated that the photos were authentic and that an examination of the photos showed that about 170 soldiers were killed. "Photos released of Iraq 'mass execution'", Al Jazeera, 16 June 2014, <http://www.aljazeera.com/news/middleeast/2014/06/iraq-mass-execution-photos-201461622725264258.html>

Tuz Khormato and Amerli, at least 20 civilians, including a boy, were killed.<sup>14</sup> By the end of June, UNAMI had received reports that the town of Amerli, predominantly inhabited by Turkmen Shi'a, had been surrounded and was under siege by ISIL and associated armed groups, and that the humanitarian situation of the town's remaining 13,000 inhabitants (including some 10,000 women and children) was deteriorating, although ISF was managing to airlift some humanitarian supplies into the town. On 18 June, five civilians were murdered by ISIL in Bashir village. On 20 and 21 June, 17 civilians were killed by ISIL in the same location.<sup>15</sup>

Following the spread of armed conflict into Diyala in June, it was reported that during the late evening of 16 June and early morning of 17 June, there was an attempt by ISIL to storm the al-Wahda police station in the Qatoon area of the Diyala governorate. After the attack was repelled, members of the Shi'a militia, *Asa'ib Ahl al-Haq*, allegedly then entered the station and executed 48 detainees, all Sunni, who were held there mostly on terrorism-related offences. UNAMI received claims of at least two other mass executions of detainees in Muqyadiya, on 7 and 13 June, respectively, but has not been able to verify them by the time of writing.

South central and southern Iraq were not immune from violence and terrorism. On 18 February, a series of VBIED attacks in the city of Hilla killed at least 29 civilians and wounded 64. On 9 March, a SVBIED detonated at the northern entrance to Hilla killing 47 civilians and wounding 125 others. On 23 June, 72 detainees being transferred from a prison in Hilla to the south of Babil were killed during an attack on the convoy transporting them; contradictory versions were put forward as to who was responsible.<sup>16</sup> Basra Governorate suffered from an indiscriminate IED attack on 11 June, the first since November 2013, when a VBIED exploded in a crowded market in Safwan District, around 60km southwest of Basra city. Among the five civilians killed were two children, aged ten and 16. A further 20 people were wounded, most of them seriously, including one woman and two children.<sup>17</sup>

On 20 April, two VBIEDs exploded in the Rumaiitha District of Muthanna Governorate, the first near a group of restaurants, killing three civilians and injuring 21 others. The second explosion occurred 10 minutes later in what may have been an attempt to target those trying to help the injured from the first attack. Following the elections on 30 April, Basra governorate's Sunni community became the target of a round of apparently sectarian motivated killings,<sup>18</sup> most of which took place between 10 May and 14 May. A number of further killings took place in June, however, these received less coverage in the local media.

## 2.4 Explosive Remnants of War (ERW)

The legacy of past conflict continued to cost civilian lives through Explosive Remnants of War (ERW). ERW disproportionately killed and maimed children. In southern Iraq, of the 10 people killed and injured by ERW during the reporting period, seven were under 18. In one incident, on 31 January, a landmine killed two boys aged six and seven years old in al-Burjusia area of al-Zubair District, Basra Governorate. The children had been playing on fallow ground during a picnic with their parents.<sup>19</sup> On

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(Accessed 16 June 2014). The incident was widely reported in the media, both local and international. Human Rights Watch also investigated the execution in detail and for more information visit: <http://www.hrw.org/news/2014/06/26/iraq-isis-execution-site-located> (Accessed 5 August 2014).

<sup>14</sup> Some sources referred to more killings, which could not be independently verified, and relatives claimed that some people were missing.

<sup>15</sup> Bashir village is inhabited mainly by Turkmen Shi'a.

<sup>16</sup> After the event, families of the victims demonstrated outside the Hilla Hospital waiting for the return of the remains of their relatives.

<sup>17</sup> The vehicle that exploded had been parked near a medical clinic and several shops and market stalls which were destroyed in the blast. UNAMI was unable to determine which detonation method was used but can confirm that there were no military targets in the vicinity.

<sup>18</sup> The last time that Basra's Sunnis suffered killings of this nature was from July – September 2013 when at least 25 civilians were killed in separate shootings around the governorate.

<sup>19</sup> On 2 February, a 17 year-old boy was killed by a landmine while grazing sheep near al-Jileibeh military airport, south of Nassiriyah in Thi-Qar governorate. On 21 March 2014 one person was killed and two were injured by a landmine that

20 April, the Head of Mine Affairs within the Ministry of Environment in southern Iraq issued a press release<sup>20</sup> announcing plans to remove mines from the Shatt al-Arab District of Basra, which covers an area of 8km x 5km. According to his media statement, the Mine Affairs Ministry is also planning to establish military engineering battalion for demining that hopes to re-employ 500 former deminers.

## 2.5 Protection of civilians

Armed conflict and acts of terrorism directly and indirectly impact severely on Iraqi children, women and men. Fear of violence severely impairs civilians' freedom of movement, inhibiting or preventing their access to basic services, including education, healthcare, and employment. In addition to the emotional suffering resulting from the death or injury of family members, households are often deprived of breadwinners. Families of those wounded or disabled also bear significant emotional and financial costs to ensure the on-going medical care and support. The psychological toll on children and juveniles cannot be under-estimated.

As noted, many attacks perpetrated by armed insurgent and terrorist groups directly targeted civilians and civilian infrastructure with the intention of killing and injuring as many civilians as possible. The deliberate targeting of civilians, indiscriminate attacks, and the prevention of civilians from accessing humanitarian assistance or areas of safety constitute violations of international humanitarian law, international human rights law, and the laws of Iraq. All parties to the on-going non-international armed conflict in Iraq must do all they can to ensure that civilians are spared from the direct effects of violence, that civilians are able to leave areas affected by conflict in safety and in dignity, and to access humanitarian assistance. The Government must do all it can to ensure that the perpetrators of violations of international humanitarian law, and international human rights law are held accountable.

UNAMI appreciates the considerable difficulties confronting the Government in responding to armed insurgent and terrorist groups. However, the Government of Iraq must exert all its efforts to ensure a coordinated military response to the insurgency that respects the rule of law and protects the human rights of civilians. The Government must also increase its efforts to mobilise and coordinate resources to assist civilians who are the direct or indirect victims of violence, particularly their access to basic services, effective health,<sup>21</sup> social and financial support. Furthermore, the Government urgently needs to develop and implement policies addressing the conditions conducive to armed violence and terrorism that reinforce the rule of law and that promote the respect and protection of human rights.<sup>22</sup>

## 2.6 Protection of Civilians in the Kurdistan Region

The Kurdish Region has been largely spared from the violence that beset the rest of Iraq during the reporting period and no major incidents were recorded. However, during June, the Kurdistan Region received large numbers of persons displaced as a result of the violence in Ninewa Governorate following the ISIL takeover that placed considerable strain on the capacity of its Government and local host communities to ensure provision of basic services. (see more under page 27).

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exploded while a family was celebrating Mothers' Day east of al-Amara city in Maysan governorate. Also in Maysan, two girls aged five and nine, were injured by a landmine in al-'Ezeir sub district on 2 April 2014. The elder girl had her arm amputated as a result of the explosion. Her younger sister suffered serious head injuries.

<sup>20</sup> <http://www.basraelc.com/index.php/2013-03-05-21-25-10/4963-2014-04-20-12-48-20.html> (Accessed 10 August 2014).

<sup>21</sup> At the end of the reporting period UNAMI request for a meeting with the Ministry of Health to learn about specific programmes benefiting victims of armed violence had not been granted.

<sup>22</sup> See speech by the Special Representative of the Secretary-General at the First International Counter-terrorism Conference, Baghdad, 12-13 March 2014, at [http://www.uniraq.org/index.php?option=com\\_k2&view=item&id=1720:speech-of-the-special-representative-of-the-United-Nations-Secretary-General-for-Iraq-in-the-first-international-counter-terrorism-conference&Itemid=606&lang=en](http://www.uniraq.org/index.php?option=com_k2&view=item&id=1720:speech-of-the-special-representative-of-the-United-Nations-Secretary-General-for-Iraq-in-the-first-international-counter-terrorism-conference&Itemid=606&lang=en) (27 March 2014).



## 3. Detention and the Rule of Law

### 3.1 Numbers of persons in detention

According to the Government of Iraq, a total of 37,305 persons were detained or imprisoned in the country as of 30 April 2014.<sup>23</sup> There were 12,242 detainees in pre-trial detention and 25,063 as convicted prisoners. All detainees were held under the authority of four government institutions: the Ministry of Justice (MoJ), the Ministry of Defence (MoD), and the Ministry of Labour and Social Affairs (MoLSA). The MoJ held 7,302 detainees; the MoD held 4,002 detainees; the MoLSA held 791 and the MoLSA held 147. The same institutions held 22,903; 1,254; zero; and 906 convicted prisoners, respectively. Of these, 289 pre-trial detainees were women and 233 were children, while there were 730 convicted women and 1,077 convicted children.

MoJ informed UNAMI on 10 July that the cases of 1,856 detainees and prisoners in its facilities had been reviewed between January and May and that they had been deemed eligible for release by the Ministry.<sup>24</sup> However, 829 of them remained in custody owing to the fact that MoJ had informed the Ministry that these prisoners had pending charges. (See below for further information).

### 3.2 Detention standards

UNAMI conducted monitoring visits to detention centres and prisons under the authority of MoJ throughout the country and with the full support and cooperation of the Ministry. However, as the security situation deteriorated in parts of the country, UNAMI access to prisons and detention facilities became more limited. However, monitoring of prisons and detention centres continued in the south of the country and in the Kurdistan Region. UNAMI continued to be denied access to detention facilities under the authority of MoJ.

Overcrowding remained a recurrent problem in the facilities monitored by UNAMI. Despite efforts by MoJ, UNAMI noticed that the planned construction of new facilities and the refurbishment of the existing ones proceeded at a slow pace. For example, at the end of June, al-Baladiyah prison in Baghdad had still not been refurbished and female detainees from al-Rusafa were still waiting to be transferred there.<sup>25</sup> UNAMI also continued to observe problems with the provision of health services in detention facilities and prisons. While MoJ officials did their best to ensure the transfer of detainees and prisoners to hospitals for emergencies and other medical cases, most detention facilities and prisons continued to lack medical personnel and adequate medical equipment. In one detention facility, UNAMI learned that, owing to lack of health care facilities, terminally ill detainees had been returned to overcrowded cells for the final days and weeks of their lives being transferred from hospitals. UNAMI was informed in May that a joint committee of MoJ and the Ministry of Health has been formed to address these issues. On 27 March, the Kirkuk Provincial Council's Security Committee opened a new detention centre inside the al-Hurriya airbase. According to officials, the new centre is modern, includes eight halls to accommodate 400 detainees. However, security restrictions prevented UNAMI from visiting the detention centre.

### 3.3 Allegations of torture and ill-treatment

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<sup>23</sup> At the time of writing on 31 July, UNAMI had received the figures for up until April.

<sup>24</sup> The MoJ stated to UNAMI that there were 618 in January; 314 in February; 319 in March; 400 in April; and 205 in May.

<sup>25</sup> UNAMI was informed by MoJ that the refurbishment work on al-Baladiyah prison had stopped, since the Council of Representatives was unable to vote on the Iraqi budget.

UNAMI continued to receive reports directly from detainees and prisoners alleging that they were subjected to torture and/or ill treatment while in detention. Nearly all such violations were reportedly committed in detention facilities under the authority of MoI and the Counter-terrorism Directorate subsequent to arrest and during the investigation phase, but prior to their transfer to facilities under MoJ once charges were officially laid.

In southern Iraq, UNAMI observed trials during which defendants alleged that they were subjected to torture and/or ill treatment while held in police detention facilities, known as *'tasfiraat'*. For example, on 29 January, a male defendant told Nassiriyah Criminal Court that police had brought his sister to the detention centre and implied that she would be raped if he failed to sign a confession implicating a co-defendant. On 25 March, a defendant told Samawa Criminal Court that police had forced him to confess with a gun to his head.

UNAMI was unable to confirm whether the allegations of torture and ill treatment made by individual defendants before the courts were true. However, such allegations were consistent with accounts from multiple sources, including detainees and prisoners held in MoJ facilities interviewed by UNAMI, police, judicial sources, defence lawyers, and human rights organisations with access to police detention centres. All sources indicated that torture remains a common practice aimed at forcing accused persons to confess to crimes to justify charges. These confessions are used as evidence in subsequent criminal trials with convictions/ findings of guilt frequently substantially based on such evidence.

### **3.4 Fair trial standards**

UNAMI monitoring of 92 criminal trials in the four governorates of southern Iraq (Basra, Thi-Qar, Maysan and Muthanna) raised concerns relating to respect for due process and fair trial rights.<sup>26</sup> A total of 28 defendants in 17 trials claimed that police had tortured them to force them to make confessions. In all cases, judges failed to order an investigation. In less than 50 per cent of cases the judge's only response was to ask the defendant whether he or she had a medical report to support the claim. Most of the defendants did not have medical reports as they were in police custody when the torture took place, and the police did not allow them access to a doctor. On one or two occasions, the presiding judge asked the defendants why the allegation had not been made to the investigating judge. The defendants responded that they were afraid to do so as they remained in the custody of the police whom they would be accusing of torturing them, and that on some occasions, these same police were present during the questioning by the investigating judge. In many cases, the courts proceeded to convict the accused and sentence them to long periods in prison or to death, depending on the charges. Judges convicted 19 of the 28 defendants who alleged being forced to confess under torture; four of the 28 were acquitted; the outcome of five cases remains unclear as the trials were adjourned.

UNAMI also witnessed five trials in which prosecution witnesses told judges that police had tortured them to force them to implicate other defendants. One, an adult witness, claimed that police had tortured him to force him to implicate juveniles in the crimes for which they had been charged. The courts failed to question or order an investigation into any of the allegations from prosecution witnesses.

### **3.5 Other due process concerns**

Nearly all detainees and prisoners interviewed by UNAMI during regular prison and detention centre visits claimed that they were not informed during investigation procedures of their right to remain silent or of their right to have a lawyer present. In nearly all trials monitored by UNAMI, defendants appeared without a lawyer to represent them. Trial judges routinely asked lawyers

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<sup>26</sup> Not all of the 92 proceedings observed were substantive. Some were limited to procedural issues and adjournments. UNAMI monitored proceedings in 47 trials in Basra, 30 in Thi-Qar, 10 in Maysan and five in Muthanna governorates.

present in the court to act for unrepresented defendants. The defendants did not have the opportunity to speak to the lawyer before the trials began and on no occasion did a court-appointed lawyer request an adjournment of the proceedings to converse with their clients or to prepare the case.

UNAMI interviewed a number of detainees and prisoners who claimed they had been in custody for periods of time beyond those prescribed by the Iraqi Criminal Procedure Code No. 23 of 1971.<sup>27</sup> Some had been detained under the Anti-Terrorism Law No. 13 of 2005. A number of detainees alleged they had been held for periods of up to 10 years without charge.<sup>28</sup> One detainee claimed he had been detained for more than eight years but had been taken before a judge only once. Another detainee claimed having been detained for 10 years without having been informed of the charges against him. Other detainees told of lengthy delays in having their cases heard by the courts, owing to backlogs and insufficient resources of the courts to address cases in a timely manner, or due to breakdown in communications between the investigating magistrates, prosecutors and the courts.

UNAMI also found a number of detainees discharged by the courts, or whose sentences had been served, but who remained in detention for up to six months or more while waiting to be released. This was a result of the fact that judges frequently issued decisions or discharged defendants subject to confirmation by MoI of any outstanding charges. MoJ officials frequently voiced their concern to UNAMI that, despite requesting MoI to inform them of outstanding charges, it could take months before the latter would respond. At least three cases concerned prisoners in respect of whom MoI informed MoJ that there were outstanding charges, although these charges related to crimes committed when the prisoners concerned were already in custody.

On a positive note, the High Judicial Council on 23 June issued a statement confirming the abolition by the Federal Court of article 2 of the Revolutionary Command Council Order 169 of 1997 that had permitted MoI and provincial governors to detain people at will without charge or trial.<sup>29</sup>

### **3.6 Detention and the Rule of Law in the Kurdistan Region**

UNAMI regularly monitored detention facilities and prisons in the Kurdistan Region, carrying out 14 visits to detention centres under the authority of MoI and MoLSA (KR) and several visits to follow-up on cases and issues. In this context, UNAMI conducted 150 individual interviews with detainees and prisoners.

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<sup>27</sup> Article 109 states: A. If the person arrested is accused of an offence punishable by a period of detention exceeding 3 years or by imprisonment for a term of years or life imprisonment, the judge may order that he be held for a period of no more 15 days on each occasion or order his release on a pledge with or without bail from a guarantor, and that he attend then requested if the judge rules that release of the accused will not lead to his escape and will not prejudice the investigation. B. If the person arrested is accused of an offence punishable by death the period stipulated in sub-paragraph A may be extended for as long as necessary for the investigation to proceed until the investigative judge or criminal court issues a decision on the case on completion of the preliminary or judicial investigation or the trial. C. The total period of detention should not exceed one quarter of the maximum permissible sentence for the offence with which the arrested person is charged and should not, in any case, exceed 6 months. If it is necessary to increase the period of detention to more than 6 months, the judge must submit the case to the Felony Court to seek permission for an appropriate extension, which must not itself exceed one quarter of maximum permissible sentence, or he should order his release, with or without bail, subject to paragraph B.

<sup>28</sup> Article 109B of the Iraqi Criminal Procedure Law no. 23 of 1971 permits a person charged with an offence that carries the death penalty (which includes persons charged under the Anti-Terrorism Law no. 13 of 2005) to be held in detention until the investigation phase is completed, or until the final decision is issued by the court in relation to the charges. In other cases, article 109 A and C limits detention of suspects to 15 day extendable periods which cannot exceed one quarter of the maximum sentence that can be handed down in relation to the offence for which the person has been detained, and in no case can the period of detention exceed 6 months. If detention longer than 6 months is required, an application must be made to the criminal court to approve it but in any case (except those falling under the Anti-Terrorism Law no.13 of 2005) the total period cannot exceed one quarter of the maximum sentence that can be handed down in relation to those charges.

<sup>29</sup> See statement by the High Judicial Council (Arabic), 23 June 2014, <http://www.iraqja.iq/view.2440/>, (Accessed 24 June 2014).

The total number of detainees and prisoners held in the Kurdistan Region stood at 5,575 as of the end of June 2014, according to data provided by the authorities. Of these, 2,850 were detainees and 2,725 were convicts, including 2,402 men, 84 women and 239 juveniles.<sup>30</sup>

Over-crowding and poor sanitary conditions continued to be observed, particularly in the detention facilities at Zakho, in Dohuk Governorate, and Chamchamal and Kalar in Sulaymaniyah Governorate. In the Chamchamal and Zakho detention facilities, there were no allocated rooms for female detainees who were consequently held in police officers' duty rooms. In April, during a monitoring visit to both facilities, UNAMI observed slight improvements in sanitary conditions and hygiene. In some detention facilities such as Zakho, Asayish Zakho, and the Dohuk Directorate (all based in the Dohuk Governorate) and the Asayish Erbil and Asayish Gishty Erbil (both based in Erbil) the number of beds was insufficient for the number of detainees. In addition, these facilities had poor heating and ventilation, particularly in the juveniles' wing in Zakho detention centre. Furthermore, in a couple of instances, UNAMI observed that juveniles were being held with adults. Detainees frequently complained of the shortage of medicines. Detention facilities are in principle not equipped to handle patients requiring complex treatment, but these are rarely referred to hospitals for proper attention.<sup>31</sup> Many detention centres lack facilities for exercise, recreation and sports.

The Kurdistan Regional Government continued to make efforts to address the problem of overcrowding in some of the pre-trial detention facilities. In Erbil, for example, construction of a new Asayish Gishty detention facility with a capacity for 400 detainees, compared to 200 in the previous facility, was completed on 15 January. UNAMI visited the new facility on 17 February and provided feedback on further improvements, such as providing beds for inmates and opening some of the sealed, secured windows to improve ventilation. These recommendations had yet to be implemented by the end of the reporting period. On 6 May, in a meeting with the MoI (KR), UNAMI reiterated its concerns regarding the conditions of detention facilities, and highlighted the need to adequately staff, furnish and provide basic amenities for the newly constructed detention centres at Chamchamal and Kasnazan, in the Sulaymaniyah Governorate.

UNAMI is concerned with the placement of detainees in solitary (isolation) cells in the juvenile Reformatory and the Asayish Gishty detention centre in Sulaymaniyah. Of concern is the routine practice by Asayish Gishty to apply solitary confinement of detainees suspected of serious offences, automatically upon admission and not as a disciplinary measure. In addition, some cells, especially in the juvenile reformatory in Sulaymaniyah, failed to meet international standards owing to overcrowding and poor sanitary conditions.<sup>32</sup>

Despite efforts by the Kurdistan Region authorities, UNAMI continued to receive reports of undue delays in the completion of investigation procedures and bringing accused persons to trial. At the beginning of 2014, 131 detainees under investigation were held beyond the statutory limits, including 17 detainees held for more than two years, according to Asayish Gishty detention records viewed by UNAMI. Only a few such detainees were granted bail. More than 24 detainees claimed that they had no access to lawyers and some claimed that they had not been permitted contact with their families.

On 17 February, UNAMI visited a detainee who had spent three years in Asayish Gishty detention facility without having any family contact and was only once brought before the investigating judge on 22 June 2010.<sup>33</sup> The Head of Investigation in Asayish Gishty Erbil stated to UNAMI that the

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<sup>30</sup> UNAMI obtained these official figures from the MoJ (KR), MoI (KR) and MoLSA (KR).

<sup>31</sup> Patients are often forced to buy medicine through their families, otherwise, the medical unit would provide an alternative and less effective medicine.

<sup>32</sup> Standard Minimum Rules for the Treatment of Prisoners, which set out the basic requirements for accommodation, personal hygiene, clothing and bedding, food, and medical services in prisons and detention facilities

<sup>33</sup> The detainee was arrested by US forces in Baghdad on 6 October 2009, transferred to Asayish Gishty Erbil for interrogation in November 2009, and charged under the Anti-Terrorism Law no.3 of 2006. As of 30 June, Abdulwahab was still under interrogation and kept in detention without the detainee or his lawyers receiving any written communication

detainee was facing more than one charge and the investigation into his case had not been completed. In the past, the authorities acknowledged similar cases and argued that, as the Anti-Terrorism Law of the Kurdistan Region did not exist at the time when many of these detainees allegedly committed terrorist acts, the prosecution of these cases was facing legal obstacles. UNAMI continues to advocate that in such cases, the detainee should be charged and tried under legislation that was in force at the time the offence was committed (and any time served be taken into account if the defendant is found guilty and sentenced to a custodial sentence or released and compensated adequately if found not guilty) or be immediately released and compensated.<sup>34</sup>

### **3.6.1 Allegations of torture and ill-treatment in the Kurdistan Region**

During monitoring visits by UNAMI, 35 detainees made allegations of torture and/or ill-treatment, mostly by the Anti-Crime Police or by the Asayish in rural areas in order to obtain confessions. UNAMI remains engaged in a dialogue with the authorities on specific cases, and has noted their willingness to address this issue through proper capacity building of relevant personnel and investigations.

In early May, UNAMI monitored a case of alleged ill-treatment by Asayish forces in Sulaymaniyah of a 5-person election-monitoring team from one of the political parties, arrested at a polling station on the evening of 2 May. The team was observing the polling centre until the ballots were transferred to the headquarters of the IHEC for counting. The Asayish allegedly used excessive force during the arrest and subjected the individuals to ill treatment during interrogation at the Asayish facility in order to extract confessions concerning an alleged plan to commit acts of arson in the city. The confessions taken from two of the monitors were broadcast on television the next day. Following release of the five, a case was filed against the Asayish officers, which at time of writing was still pending investigation.

### **3.6.2 Human Rights Training for Asayish and Police**

UNAMI continued implementing a capacity building programme consisting of 12 human rights training workshops for 150 Asayish and 150 police officers during the reporting period. UNAMI conducted 8 training sessions for Asayish and Police officers in Sulaymaniyah and Dohuk.<sup>35</sup> The objective of the training workshops was to increase Asayish and police officers' knowledge of human rights obligations, in particular the prohibition on torture, and ways to address allegations of torture and ill treatment in detention facilities. UNAMI implemented the 2013 programme in collaboration with MoI (KR) and Asayish authorities. The programme will continue through 2014.

## **4. Death Penalty**

The Government of Iraq continued to execute condemned prisoners, despite repeated calls from the United Nations Secretary-General, the High Commissioner for Human Rights, and UNAMI to implement a moratorium on the death penalty with a view to its abolition, in accordance with United Nations General Assembly resolutions 62/149 (2007), 63/168 (2009), 65/205 (2010) and 67/176 (2012).

The Government of Iraq executed 52 male prisoners during the first half of 2014. The executions sometimes took place in batches. For example, on 19 January, 26 prisoners were executed; four days

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from the investigation judge stating the reasons for the continued extension of the detention period. Another case is that of Kamaran Molud Kakul, who was arrested by US forces in Baghdad in 2004 and handed over to the Kurdistan Regional Government in 2009. Kakul has since been detained by Asayish in Erbil under solitary confinement. Accused of being a member of a terrorist group, Ansar-al Islam, the detainee has not been formally charged or even brought before an investigation judge.

<sup>34</sup> UNAMI noted to the authorities that detaining individuals without legal basis amounts to arbitrary detention and is in violation of article 9 of ICCPR, article 95 from Iraqi Criminal Procedure Code Law of 1971, and the guarantees under articles 15 and 37 of the Constitution of Iraq.

<sup>35</sup> This included training a total of 3 brigadiers, 4 commissioners, 19 colonels, 54 captains, 27 majors, and 180 lieutenants.

later, 11 were executed. Most had been convicted under the Anti-Terrorism Law No. 13 of 2005. According to figures provided by MoJ there were 1,724 prisoners on death row, including 1699 men and 25 women, at the end of June.<sup>36</sup>

UNAMI has serious concerns about the implementation of the death penalty in Iraq, particularly in the light of persistent weaknesses in the administration of justice already noted, including failures to respect due process and to adhere to fair trial standards, the use of torture to extract confessions, untested testimony of secret informants, and reliance on such evidence, solely or substantially, to convict.

Of particular concern were the cases of two death-row prisoners who UNAMI believes were below 18 years<sup>37</sup> of age when they committed the crimes for which they were convicted and sentenced to death. In one case, the defendant produced a birth certificate issued by his country of nationality proving he was 16 at the time of the alleged crime. In both cases, the Court of Cassation relied on an age assessment conducted by a medical doctor, which then proceeded to find that both defendants were in their early twenties when the offences were committed, despite the inadequacy and unreliability of such 'age assessment' processes. In March 2014, UNAMI addressed a plea to the General Prosecutor and the President of the Republic requesting clemency in both cases based on evidence (including official documentation) proving they were below 18 when they committed the offences.

UNAMI also observed trials in which the judge amended non-capital charges to charges that may result in the imposition of the death penalty, despite hearing defendants allege that police had tortured them into confessing.<sup>38</sup> UNAMI also observed a number of cases where the prosecutor requested the court to dismiss the charges against the defendants on account of the fact that the only evidence before the court was disputed confession evidence – but the judge proceeded to convict the defendant after admitting the disputed confessions into evidence. In these cases, the defendants were sentenced to life imprisonment.

#### **4.1 Death Penalty in the Kurdistan Region**

The Kurdistan Region Government continued to practice an unofficial moratorium on the death penalty and no executions took place during the period under review. UNAMI continued to undertake advocacy with the Kurdistan Region Government to formalise the moratorium by abolishing the death penalty in law. The Government responded that the matter remains under consideration.

## **5. Rights of Women**

### **5.1 Legal and policy framework**

The Government of Iraq took steps to promote respect and protection for the rights of women and girls, although these were tempered by other, less positive, developments. The National Action Plan

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<sup>36</sup> Prisoners on death row consists of those prisoners who had been sentenced to death, or who had had their convictions and death sentences upheld on final appeal, or who were awaiting the Republic Decree issued by the Presidency Council, which orders the implementation of the sentence, or who had the Republic Decree issued and were awaiting execution.

<sup>37</sup> According to article 79 of the 1969 Penal Code "No person between the ages of 18 and 20 at the time of committing an offence can be sentenced to death. In such a case, he will receive life imprisonment instead of the death sentence." (This is based on the English version of the law).

<sup>38</sup> The trial monitoring also revealed grave concerns about the defendant's right to the right to time and facilities to prepare an adequate defence and to communicate with counsel of their choosing in capital cases and the readiness of elements within the criminal justice system to misuse Anti-Terrorism legislation, applying it to non-terror related cases and thereby ensuring that those convicted will face the death penalty.

to implement the United Nations Security Council (SC) resolution 1325 on women, peace and security was launched on 6 February under the Ministry of Women's Affairs. In April, the Council of Ministers approved the National Strategy on the Advancement of Women (2014- 2018) that complements the National Action Plan.

In February, the Government also presented its combined fourth, fifth and sixth periodic reports on its compliance with the Convention to Eliminate All Forms of Discrimination against Women (CEDAW) - the first such report since 2003. The CEDAW Committee welcomed the progress achieved, in particular the adoption of the Law No. 28 of 2012 on combating trafficking in persons; the Law No. 23 of 2011, on the eradication of illiteracy; and the Kurdistan Region Law No. 8 of 2011 on domestic violence. It made 58 recommendations to the Government, including for reforms of State institutions and policies to ensure the advancement of women; Constitutional reform and repeal or amendment of discriminatory laws; action to combat stereotypes and harmful practices; laws and policies to combat violence against women, trafficking and sexual exploitation; and laws and policies to promote women's participation in political and public life. In response, among other measures, the Government formed a committee<sup>39</sup> in April to review discriminatory legislation, which UNAMI welcomed.

On 25 February, the Council of Ministers was reported to have approved a draft Personal Status law submitted by MoJ that was based on the Shi'a al-Ja'afari School of jurisprudence that is followed by the majority of Shi'a Muslims in Iraq. The draft law was widely criticized by Iraqi civil society organisations (CSOs) including women's rights organizations. The Iraqi Women's Network, representing over 30 CSOs, stated that provisions of the draft would violate international law by allowing child marriages, prohibit interfaith marriages except in cases of temporary marriage, promote discrimination on the grounds of religion, further promote gender discrimination by giving the right to husbands to coerce sexual intercourse with their wives without their consent, and restrict the movements of women without the prior permission of their husbands.<sup>40</sup> The CEDAW Committee called for the immediate withdrawal of the draft law. It also recommended the repeal of article 41 of the Iraqi Constitution that forms the basis of the draft law, in order to guarantee equality between women and men, in line with the Convention and article 14 of the Iraqi Constitution<sup>41</sup>.

The draft Family Protection Law remained stalled before the Council of Ministers where it has been pending for review since early 2013. UNAMI has some concerns about weaknesses and gaps in the draft law and continued its advocacy for amendment to ensure the full protection of women and girls against violence in accordance with international human rights standards.<sup>42</sup>

## 5.2 Domestic violence

The lack of comprehensive official statistics on the number and nature of incidents of violence against women (VAW) remains a major impediment in fully understanding the scale and scope of the issue. Cultural sensitivity, fear of social stigma and reprisal, the lack of legal and social protections for victims, and a low confidence in the law enforcement and justice system all contribute to low

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<sup>39</sup> Comprising Human Rights Commission, MoWA, Civil Society, and some other relevant government ministries.

<sup>40</sup> In a Press Statement issued on the occasion of International Women's Day, the Special Representative of the United Nations Secretary-General for Iraq (SRSG), Mr. Nickolay Mladenov, expressed his concern over the adoption by the Council of Ministers of the draft al-Ja'afari Personal Status Law and urged the Council of Representatives to ensure that all proposed laws adhere to the highest international human rights standards and conform to the international instruments to which Iraq is a party, including the CEDAW and the Convention on the Rights of the Child (CRC). "UN Envoy Calls for the Full Integration of Women in Iraqi Society", UNAMI Press Release, 6 March, [http://www.uniraq.org/index.php?option=com\\_k2&view=item&id=1694:un-envoy-calls-for-the-full-integration-of-women-in-iraqi-society&Itemid=605&lang=en](http://www.uniraq.org/index.php?option=com_k2&view=item&id=1694:un-envoy-calls-for-the-full-integration-of-women-in-iraqi-society&Itemid=605&lang=en) (Accessed 10 August).

<sup>41</sup> CEDAW/C/IRQ/CO/4-6 of 2014.

<sup>42</sup> In particular that the draft law must clearly define the acts of violence that are criminalized and specify the punishments for those acts, rather than merely referencing provisions of the Iraqi Penal Code No. 111 of 1969.

reporting of VAW incidents. Nevertheless, the establishment of Family Protection Units (FPUs) responsible for following up on VAW cases, albeit limited to the provincial capitals and major cities, has improved somewhat women and girls' access to protection. However, a major impediment to FPU work is the Parliament's failure to pass the draft Family Protection Law that could, if strengthened, provide the specialised provisions that would empower effective protection of women and girls subjected to VAW. A further challenge to FPUs is the lack of suitable premises and qualified female personnel.

UNAMI believes that protection of women and girls from gender-based violence requires a holistic policy and legal reform, including amendment of the draft Family Protection Law, the Iraqi Penal Code, and the Criminal Procedure Code No. 23 of 1971. Of particular concern are provisions of the Penal Code, such as article 41 (1), which permits husbands to punish their wives without fear of prosecution; article 398, which grants exemption from punishment in cases of sexual assaults if the perpetrator subsequently marries the victim; and article 409, which sanctions the "protection of honour" as mitigation for crimes of violence, including murder, committed against family members.

### **5.3 Shelters**

Since the Family Protection Law remained a draft, the Shelter policy for the regulation, management and resourcing of shelters also remained pending for review by the MoLSA. The policy would guarantee the administrative and financial support required for the establishment of shelters and psycho-social support for women at risk. Currently there are few functioning shelters where women can seek protection and they are often sent to female prisons when seeking protection from domestic violence.

Some attempts were made to establish shelters in a number of governorates, mostly without success. Despite the Maysan Governor's willingness to establish a shelter as recommended by the MoHR, the provincial council was reluctant to proceed due to a conflict between those in favour and those who believe that "tribal traditions" would be undermined. In March in Basra, the Governor informed UNAMI that he had ordered a 1000 square metre plot be set aside for the construction of a shelter and as an interim measure that eight houses would serve as temporary shelters for women escaping domestic violence. However, neither the shelter nor the interim shelters were in operation by the end of June. In Kirkuk governorate, the Provincial Council and the Governor announced that due to the delay in implementation of the policy at national level, Kirkuk Governorate would take the initiative to allocate funding for the establishment of a shelter in the city from the 2014 budget and would find solutions for providing staffing at the provincial level. However, this was not implemented at time of writing.

### **5.4 "Honour" killings**

UNAMI continued to monitor the prevalence of "honour-related" killings. Such crimes are difficult to investigate owing to strongly held customs and traditional practices that do not permit open discussion of the issue, particularly in rural communities. Many cases appear to go unreported or are covered up by the families. One case followed by UNAMI involved a 15 year-old girl from Suq al-Shiyoukh district, 30 kilometres from Nassiriyah, who died after she had been shot in the neck. A local community source and a judicial source informed UNAMI that the girl's death was an "honour killing". UNAMI monitored the violent deaths of eight other women and girls, information concerning which suggested strongly that these were "honour" killings. In two cases the Police failed to open an investigation, and four were investigated as crimes but no charges were laid.

Even when such crimes are prosecuted, UNAMI monitoring suggests that conviction rates remain low. UNAMI found only one trial for an "honour killing". At Basra Palace of Justice on 28 May, two defendants, a father and son, stood accused of abducting a girl in Basra in February 2013. The girl had eloped with the son without the consent of her family, who subsequently accused her husband and his father of kidnapping her. The police, accompanied by the girl's father and brother, went to



her husband's house and forcibly handed her over to her father and her brother. The girl's brother then shot his sister dead in order to preserve the family's "honour". The girl was 17 at the time of her death. The trial was ongoing at time of writing.

## **5.5 Trafficking**

UNAMI continued to receive reports of alleged trafficking and sexual exploitation of women and girls. On 30 January, UNAMI interviewed a 19 year-old woman from Baghdad in Basra's al-Ma'aqal Prison who alleged her father had sold her into prostitution when she was 15 or 16. She alleged that the brothel manager was also arrested but spent only one night in prison. Despite promises from the authorities to launch an investigation into the case, by the end of June no further action had been taken. In a follow up meeting on the case on 7 April, the Human Rights Director of Basra police told UNAMI that his office had received no clear instructions or policy guidance from MoI in Baghdad as to how to deal with this or similar cases. The Director explained to UNAMI that his office sends monthly reports to MoI in Baghdad about these cases but he receives no instructions on how to proceed.

The judicial response to the trafficking of minors was also frequently inadequate. In one case monitored by UNAMI, the court asked the defendant, who was accused of kidnapping a 14 year-old girl, if he was prepared to marry the victim which the defendant agreed to. Subsequently, the victim's family rejected the proposal. At this point the judge dropped the kidnapping charge and convicted the defendant for sodomy under article 394 (1) of the Iraqi Penal Code and sentenced him to two years in prison. In another case, the judge acquitted the defendant, who was accused of abducting two 14 year-old female twins, citing lack of evidence. In a third case, judges in Nassiriyah had sentenced two men convicted of trafficking under article 6 of the Anti-Trafficking Law to two years imprisonment. The Court of Cassation returned the case recommending that the sentence was insufficient, and the court at first instance amended the sentence to 15 years imprisonment.

## **5.6 Women's Rights in the Kurdistan Region**

### ***Legal and Policy Framework***

On 30 March, a consultative meeting organized by the Police Directorate of Combating Violence against Women (DCVAW) in Erbil recommended that the Combatting Domestic Violence Law No. 18 of 2011 (KR) be amended to encompass all forms of violence against women, not only domestic violence. All DCVAW from across the Kurdistan Region submitted proposals to amend the law, but as of 30 June further action remained pending.

UNAMI remained concerned over delays by the Kurdistan Region Government to fully endorse and support the implementation of two important strategies developed by the High Council of Women Affairs (HCWA) to enhance the protection and empowerment of women in the Kurdistan Region. These are the Strategy of Combating Violence against Women, approved by the Council of Ministers of the Kurdistan Region Government on 25 November 2012, and the Development of Women's Status in the Kurdistan Region between 2013 and 2019, which was still awaiting adoption by the Kurdistan Region Parliament.

The draft Shelter Policy, Instruction no-2 for 2014 Shelter for Women under Threat, which had been pending approval by the Council of Ministers, was approved by the Kurdistan Region Government on 10 July 2014, after MOLSA submitted on 28 May a revised draft that incorporated inputs from NGOs, women's rights activists, United Nations Agencies and other actors to the Council of Ministers. The policy is expected to set the minimum standards for the establishment and management of all women's shelters in the Kurdistan Region.

## ***Violence against Women***

Authorities in the Kurdistan Region continued to receive large numbers of complaints from women alleging they had suffered violence perpetrated from members of their own families, indicating the increasing confidence of women to speak out against violence committed against them.

According to official figures released by the Police Directorate of Combating Violence against Women (DCVAW), the police and judiciary received 3,503 allegations of violence against women from January to June. The highest number of incidents was reported for Erbil with 1,351 allegations of domestic violence, followed by Duhok with 822, and Sulaymaniyah with 639. The incidents included 2,832 cases of physical abuse, 158 cases of self-immolation, and 75 cases of sexual abuse. Additionally, 38 women were reported to have been murdered. The DCVAW did not provide details of the number of arrests and prosecutions carried out despite UNAMI repeatedly requesting such information.

UNAMI has concerns about the high rates of self-immolation reported, and requested urgent action to investigate such cases to identify and address the root causes of these acts.

UNAMI monitored the case of a 15-year-old child-bride who was brutally murdered, allegedly by her 45-year-old husband, in the Kalakji area of the Dohuk Governorate on 23 May. The autopsy report reportedly stated that the girl died after she had been shot 15 times. In a video statement on 8 June, the suspect purportedly confessed to the killing and justified it on grounds that he was protecting his “honour” because his wife (the child bride) was allegedly involved in an extramarital affair. On 12 June, after several days of public outcry and street demonstrations over the gruesome murder, the husband turned himself in to the police in the Sheikhan District, Dohuk Governorate. On 28 May, the Prime Minister of the Kurdistan Region strongly condemned this incident in a statement and emphasized that “the Kurdistan Regional Government will conscientiously follow-up this and other cases of violence”.<sup>43</sup> As of 30 June, investigation into the case was on-going.

In March, UNAMI in collaboration with DCVAW produced and broadcast a short video-clip on TV and social media aimed at combating violence against women. The video clip was produced with funding from OHCHR aimed to raise awareness on violence against women, in particular domestic violence, in the Kurdistan Region. The video displayed a hotline number for people to report VAW cases to the police.

In another positive development, the Kurdistan Region Government opened 25 special police investigation units as required by article 6 of the Domestic Violence Law (KR).

## ***Detention of Women***

There were 48 female (pre-trial) detainees and 88 female prisoners in the three reformatories in Erbil, Sulaymaniyah, and Dohuk at the end of June. Sixteen of the women in prison faced the death penalty, for committing murder, in accordance with article 406 of the Iraqi Penal Code. UNAMI monitored the facilities and found that the conditions were generally good across the reformatories. In Erbil and Sulaymaniyah, all detainees (apart from those sentenced to death) benefited from vocational training or formal education. In Dohuk, however, only the women in pre-trial detention had access to educational opportunities. MoLSA plan to begin providing convicted women with vocational trainings in the early part of 2014 has not yet materialised.

Despite the pledge announced by MoLSA in December 2013 to establish nurseries in all women’s reformatories, no nurseries were established in the Erbil and Dohuk reformatories as no budget had been allocated for that purpose. The Sulaymaniyah Women’s Reformatory had opened a two-

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<sup>43</sup> On 2 June, the Special Representative of the United Nations Secretary-General for Iraq said he was horrified by the murder of the teenage bride in the Kurdistan Region of Iraq, and called for all acts of violence against women and girls to be prosecuted.

bedroom nursery in 2013 and during the reporting period a hall, kitchen and garden were added to the nursery.

### **Shelters**

As mentioned, Shelter Policy, Instruction no-2 for 2014 Shelter for Women under Threat was finally approved on 10 July. Through its monitoring of the shelters, UNAMI observed that living conditions and services in the three government-run shelters in Erbil, Dohuk and Sulaymaniyah remained below standard and the institutions still lacked appropriately trained and qualified social workers. The Sulaymaniyah private shelter run by the Patriotic Union of Kurdistan (PUK), although better in terms of physical conditions and services, lacked enough qualified and trained staff members, and similar to the government-run shelters, did not provide sufficient vocational training and education opportunities for women housed in the shelter.

The Kurdistan Region Government began efforts to improve shelter conditions and services. In January a newly constructed, more spacious shelter in Sulaymaniyah was officially opened. The construction of the new building for the Dohuk shelter was completed and the facility was expected to become operational by November 2014. A new temporary shelter was officially opened on 20 January in Kalar in the Garmyan district. Unfortunately, the location of this shelter is well known, but it is only intended to serve as a temporary shelter until the residents are transferred to Sulaymaniyah.

As per Order no. 4107 of 29 May, MoLSA provided all shelters with a 'Work Plan for Managing Women's Shelters', and instructed the authorities to begin using the document to guide their management of the shelters. While these steps were welcome, UNAMI also recommended to MoLSA, HCWA and other governmental bodies to develop programs aimed at assisting and facilitating the reintegration of women victims of domestic violence back into society.

## **6. Rights of Children and Youth**

### **6.1 Armed violence and children**

The United Nations Country Task Force on the Monitoring and Reporting (CTFMR) on grave violations against children received 210 reports of incidents that resulted in the killing and/or maiming of children.<sup>44</sup> The CTFMR was able to verify 160 of these incidents. These attacks led to at least 361 child casualties: at least 24 girls, 79 boys, and 48 children of unknown sex were killed; and at least 47 girls, 146 boys and 17 children of unknown sex were injured.

The use of indiscriminate tactics by armed groups, including the detonation of IEDs in public spaces, such as markets, mosques, funerals and places of pilgrimage remained the main cause of child casualties. For example, on 7 January, in the Kirkuk District of Kirkuk Governorate, three girls and 28 boys were injured when a VBIED detonated in front of two adjacent schools: a primary and a secondary school. There was a police station in the vicinity, which ostensibly was the target of the attack. In another incident, on 23 February, in the Tikrit district of Salah al-Din governorate, three children of a police officer - two boys and one girl - were injured when a VBIED detonated outside their house in al-Askari residential area.

Children were also the victims of violence between ISF and armed groups. On 1 June in Fallujah in Anbar governorate, seven girls and eight boys were killed, aged 1 to 12 years, in an ISF airstrike that was allegedly targeting ISIL elements in al- Nei'miya area.

During the reporting period, there were 42 attacks on schools and teachers throughout Iraq. In the lead up to the parliamentary elections, there was an increase in attacks on schools that were used as polling stations. UNAMI documented 23 attacks on such schools, 18 of which occurred on the two days of elections in April.

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<sup>44</sup> Data are from the Global Horizontal Note January-April 2014.

The political turmoil in Iraq also saw an increase in child abductions as armed groups targeted children whose parents are connected with the political or military authorities. These incidents have rarely been brought to the attention of the police or the United Nations because of fear of retaliation against the victims or families. Information received by UNAMI indicates that children may have been killed in a number of cases.

Of major concern are the rising trends of recruitment of children. While reports of recruitment of children by ISIL and associated armed groups mostly came from Anbar in the first part of the reporting period, incidents were also documented in other conflict-affected areas, such as Ninewa, Diyala, Kirkuk and Salah al-Din, during the second part of the reporting period. The security situation and sensitivity of these cases prevented the United Nations from investigating all the allegations received. Children have been used as informants, for manning checkpoints, and in some cases as suicide bombers. In relation to the latter, UNAMI received reports about two children used as suicide bombers in Ramadi in April. On 14 June, a 16-year-old boy was abducted and recruited by armed groups associated with ISIL. The group concerned told the boy's father that they had acted in response to his affiliation with an international NGO. The boy was released a few days later after mediation by tribal leaders with the armed group. The boy claimed that he had received a two-day training course on using weapons. UNAMI is looking into allegations concerning the creation of an ISIL youth wing (composed of minor recruits) called the "Boys of Islam" ("Fityan Al Islam") that seems to be active in some areas, including Diyala and Salah al-Din governorates.

Children have also increasingly been recruited and used by other armed groups, including "pro-Government" groups, in many conflict-affected areas, as well as in Shi'a-dominated areas of Baghdad. Similar reports have also been received from Basra. Witnesses, including United Nations staff, have seen children staffing illegal checkpoints, armed and wearing military uniforms.

UNAMI remains extremely concerned about the toll of the armed conflict on children. UNAMI continued to urge the Government of Iraq to establish an inter-ministerial committee on children affected by armed violence. This committee would be used as a formal mechanism for child protection and information sharing with the United Nations CTFMR on grave violations against children in order to monitor effectively the impact of armed violence and conflict on children, and to develop proactive policies aimed at enhancing their protection.

## **7. Rights of Ethnic, Religious and Other Groups**

### **7.1 Legal and Policy Framework**

There was no significant development in regards to the draft law on the Protection of Religious and Ethnic Minority Groups Rights, which remained under review by the Committee for Minority Rights of the Council of Representatives. UNAMI remains concerned that the draft law<sup>45</sup> is not in compliance with relevant international standards and has strongly advocated for its amendment.

#### National Conference to Promote and Protect the Rights of Iraq's Minorities and Communities

In partnership with representatives of several diverse ethnic, religious, linguistic and cultural minorities and communities, UNAMI held a number of events aimed at raising awareness among

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<sup>45</sup> UNAMI and civil society found four areas in which the draft law is incompatible with Iraq's international and Constitutional obligations. Firstly, the terminology used does not provide an adequate definition of minorities; the bill does not provide a mechanism via which minority groups can claim protection for cultural, religious, linguistic and heritage rights; the bill does not cross reference other legislation, creating confusion about which law will have primacy and; the bill provides inadequate mechanisms for implementation as most bodies it purports to create are advisory. The Council of Representative agreed on 22 October 2013 during a roundtable dialogue to revise the bill in accordance with these concerns.

minorities themselves and government officials on the rights of minorities and enhancing their protection, based on the principles of inclusion and empowerment.

In March, UNAMI, in partnership with the Alliance for Iraqi Minorities, organized a conference in Baghdad aimed at identifying ways to enhance the protection and respect for the rights of Iraq's diverse ethnic, religious, linguistic and cultural communities. The conference brought together 60 participants representing all of Iraq's diverse ethnic, religious, linguistic and cultural communities to identify key issues affecting their communities. At the conclusion of the conference, the participants agreed on a roadmap for legal, institutional and policy reforms aimed at ensuring their protection and enhancing respect for their full and equal participation in the political, economic, social and cultural life of Iraq. The participants issued a declaration of principles on the rights of Iraq's diverse ethnic, religious, linguistic, and cultural communities. The conference was also significant because it was entirely Iraqi-led from its inception through to its delivery.

## **7.2 Violence against members of diverse ethnic, cultural and religious groups**

Members of Iraq's ethnic, religious and linguistic groups continued to face attacks directed against them due to their religious or ethnic affiliations. Those living in the Disputed Internal Boundaries (DIBs) areas between the Kurdistan Region and the rest of Iraq were particularly vulnerable because of on-going lack of security and lack of access to basic services.

In Ninewa Governorate, on 2 May, unidentified gunmen stopped a vehicle carrying two Yezidi men in Sinjar District and shot both dead. On 5 May, unidentified gunmen attacked a car carrying four Yezidi civilians on the road to Sinjar from Mosul in Ninewa governorate, killing one person and wounding two others. On 25 May, a 23 year-old Yezidi man, working for the Kurdistan Democratic Party, was killed when unidentified gunmen opened fire on him while he was walking in a market in eastern Mosul.

Attacks against Turkmen Shi'a living in Kirkuk and Salah al-Din governorates also continued. During the reporting period, a significant number of incidents targeted Turkmen Shi'a, including assassinations, abduction and attacks on places of worship (*Huseiniyye*). On 9 March, unidentified gunman fired on a bus carrying employees from the North Oil Company as they were travelling to work from predominately Turkmen areas. Two Turkmen employees were killed and 10 others wounded during the incident, which took place north of Tuz Khormato. On 28 May, several IEDs targeted houses inhabited by Turkmen and Kurds in Tuz Khormato, killing five and injuring 13. On 29 May, five farmers from the Turkmen Shi'a community were killed when unidentified gunmen opened fire on them while they were working in their farm in Hamdaniya District, southeast Mosul.

From early to mid-June as a result of attacks by ISIL and associated armed groups, thousands of members of diverse religious ethnic and religious groups were displaced from their homes in Anbar, Ninewa, Salah al-din, Diyala and Kirkuk governorates to the Kurdistan Region and other areas in Iraq.

On 6 June, five civilians were killed and 42 wounded when two suicide bombers targeted a Shabak village, east of Mosul city. On 9 June, two VBIEDs detonated in the predominately Turkmen area<sup>46</sup> of Tuz Khormato, one near a political party office of the Patriotic Union of Kurdistan and the second near the Iraqi Communist Party, located nearby several public places including public garages and schools. The two explosions killed 26 (including one child under the age of 15), and injured 150 others (including 12 students under the age of 15). Among the dead were reportedly 12 members of the security forces whose bodies could not be found by the rescue team. UNAMI received reports that on 10 June, a Christian church in the al-Wahda neighbourhood of Mosul was burnt down by ISIL, and it was reported that a number of other churches within the city were looted. On 19 June, three male Shabak civilians were abducted by ISIL in the Jazeer area of Mosul. On the following day, the bodies of two of the men were found and the remains of the third man were found on 21 June.

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<sup>46</sup> This is a predominately, though not exclusively Turkmen area. Reportedly, the victims of the attack were predominately Turkmen, although there were also Kurds and Arabs involved.

Reports indicated that the bodies all bore signs of torture. On 20 June, ISIL kidnapped three male members of the Yezidi community from the Baashiqa area of Mosul. Two of the men were released on 29 June after being brought before a so-called shari'a court. The third man was released on 2 July after having been referred to the same court. Additionally, several Yezidi families reported to UNAMI that ISIL demanded ransom for the release of their relatives otherwise they would be killed. In one case, the amount demanded for such release was USD 50,000.

In southern Iraq, on 25 February, Thi Qar police arrested four persons suspected of distributing sectarian pamphlets in Nassiriyah. The men were arrested while throwing the pamphlets from a vehicle outside Sunni houses. The message on the flyers told Sunnis to leave within a month or they would be killed. Government sources claimed that a long-standing tribal dispute was behind the distribution of the flyers. On 23 July armed men raided houses in a Sunni area of Fao district, 90km south of Basra city and abducted 14 young men from their homes. They were blindfolded and forced into vehicles. Some witnesses believe that ISF vehicles were used while others say the vehicles belonged to militiamen. The men were reportedly taken to an unknown location and tortured, while being questioned about their attitude to ISIL and "the terrorists". All 14 were released after two days. Some of the men and their families subsequently left Iraq.

### **7.3 Rights of Ethnic, Religious and Other Groups in the Kurdistan Region**

In April, UNAMI held a number of separate meetings in Dohuk with the Deputy Governor, the Director General of Agriculture, and other local officials to enquire about the report of a committee that was established by the President of the Kurdistan Region in 2012.<sup>47</sup> This committee investigated allegations that lands belonging to members of the Assyrian communities living in several villages in Dohuk Governorate were illegally seized, allegedly by relatives of Kurdish officials and tribal leaders. Both the Director General of Agriculture and the office of the Mayor of Bardarash district, who chaired the committee, confirmed to UNAMI that the committee had completed its investigation in July 2013 and finalized its report. UNAMI is concerned that the findings and recommendations have still not been made public, and the Government has not addressed the concerns of the claimants.

## **8. Rights of Persons Living with Disabilities**

### **8.1 Legislative framework**

The Minister of Labour and Social Affairs informed UNAMI on 26 January that his Ministry is in the process of establishing a Board to develop policies on the protection and promotion of the rights of people with disabilities, in accordance with the Law for the Care of Persons with Disabilities and Special Needs. This law was adopted by Parliament in 5 September 2013. The Board will be also responsible for monitoring implementation of the law.

The Minister also reported at the same meeting that, according to the law, the management of a number of health centres will be transferred from the MoH to his Ministry in late 2014. According to the Minister, this required technical adjustments that would take some time. Furthermore, he noted that due to a mistake no funds had been budgeted for 2014 for the Board. The Minister reported that discussions with the Ministry of Finance were on-going to resolve the issue.

As noted in the previous report, UNAMI remained concerned about the Board being under the control of a government department, which may compromise its independence and ability to act in the best interest of people with disabilities. Furthermore, UNAMI notes with concern that thus far no budget has been allocated for the Board, which can further delay the implementation of the law.

### **8.3 Rights of Persons Living with Disabilities in the Kurdistan Region**

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<sup>47</sup> Presidency of the Region/Divan letter Nr. 641 of on 26.09.2012.

Since the enactment of Law No. 22 of 2011 (KR) on the Rights and Privileges of Persons with Disabilities and Those with Special Needs in the Kurdistan Region, action to implement it has been slow.<sup>48</sup> Organizations representing people with disabilities continued to call on the Kurdistan Region Government to accelerate its implementation and to introduce some amendments to provide people with disabilities and those taking care of them with increased benefits, better health insurance coverage, housing, entitlement to loans, and other benefits.

The MoLSA (KR) informed UNAMI in December 2013 that his Ministry was in the process of establishing a Council as required by article 3 of the Law, which would be mandated to develop strategies, create policies, and establish special programmes to raise awareness and to enhance the protection of the rights of people with disabilities. The Minister stated that his Ministry was in discussion with the Ministry of Finance to obtain funds for the Council's work, although there was no allocation in the 2014 budget.<sup>49</sup> As of the end of June, the Council had not been established. The Minister further reported that, in accordance with article 13 of the Law, management of a number of health centres would be transferred from the MoH (KR) to MoLSA (KR) later in 2014.

On 7 April, UNAMI visited the Kalar office of MoLSA (KR)'s Directorate of Society Welfare Protection to follow up on complaints from people with disabilities that the Ministry had unfairly excluded hundreds of people with disabilities from the list of those receiving government-provided salaries and other benefits. The head of the office informed UNAMI that the MoLSA (KR) committee established to determine the degree of disability and eligibility for salaries and benefits had been overwhelmed by the task of checking all 10,000 people with disabilities in Kalar within a very short period. In the process, the committee had made errors that resulted in 1,400 people being deprived of their benefits since September 2013. According to the director, this problem was quickly brought to the attention of MoLSA (KR). The committee had by then reportedly re-examined the 1,400 cases, and as a result 850 of them had their benefits reinstated, following the approval of the Ministry of Finance.

## **9. Rights to Freedom of Expression and Assembly, and Protection of Journalists**

### **9.1 Freedom of Expression**

At the beginning of 2014, the parliamentary Human Rights Committee of the Council of Representatives conducted an inquiry on the situation of the freedom of expression and the rights of peaceful assembly in Iraq. The inquiry was conducted between 19 and 25 January in response to repeated complaints by the Iraqi Journalists Syndicate and Iraqi Civil Society Organizations about the lack of protection for journalists, media associates and outlets, and about impunity for the perpetrators of attacks.<sup>50</sup> The final recommendations of the Parliamentary Human Rights Committee<sup>51</sup> were sent to the Iraqi Journalist Syndicate for their review and comment. One of the

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<sup>48</sup> Iraq ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in March 2013.

<sup>49</sup> The Minister attributed the lack of budgetary allocation for the Board work to an "error" by the authorities.

<sup>50</sup> According to the journalistic freedoms observatory 11 journalists had been killed since the beginning of the 2014 with impunity.

<sup>51</sup> 1-The confirmation that the reaching of agreements between the different political trends in the country will be a major factor in progressing along the democratic path, and will therefore lead gradually to the exercise of freedom of expression and opinion in the existing legal framework. 2- The insistence of the parliamentary Human Rights Committee, with the rest of the parliamentary committees, as representatives of the people, on the necessity of voting on the draft law during the current parliamentary session, as this will have a positive effect in strengthening confidence between the people and CoR. 3- Supporting the government in putting into place an effective mechanism for executing the law upon its passage, through raising awareness among the members of the security apparatuses that the right to the expression of opinions and the right to protest are a legitimate exercise contained within the constitution and the international agreements that are binding on Iraq. 4- Supporting the judicial authority in preparing its strategic plan which shall include a mechanism for implementing the law through training judges. This will have a positive effect on rulings related to this issue. 5- Making the civil society organizations into a true partner in exercising this right, and in spreading awareness in society about the

recommendations was that the Council of Representatives should pass the draft Law on Freedom of Expression, Assembly and Peaceful Protest, which has been pending since 2012.

Despite this positive step, respect for freedom of expression and the protection of journalists and media outlets remained of concern. On 18 January, the Press Freedom Association, in Maysan Governorate in southeast Iraq, held a seminar to discuss the 2011 Journalists Protection Law and demanded its review by the Council of Representatives, in light of the amendments submitted by the Press Freedom Association in September 2012. The journalists at the seminar claimed that the 2011 Journalist Protection Law fails to provide any form of protection to media professionals. On 28 February, the Head of Maysan Journalists Union, another journalists' body, issued a media statement accusing the Maysan Provincial Council of violating the 2011 Journalist Protection Law by its decision preventing representatives of three satellite channels from entering the PC building.

On June 16, the then Prime Minister of Iraq, through the Federal Supreme Court, attempted to revive the power of the Prime Minister to declare a state of emergency under the National Safety Law No. 1 of 2004 without the approval of the Council of Representatives, as a response to the spread of ISIL and associated armed groups into areas of Ninewa, Salah al-Din, Kirkuk and Diyala governorates from early June.<sup>52</sup> Measures, which can be taken under the law include imposing a curfew, closing roads and sea and air routes, imposing restrictions or prohibition on public gatherings, monitoring electronic communications and other forms of communications, and powers to enter places and seize documents without a warrant and to arrest suspects without charge or trial and to hold them for the duration of the emergency. Article 8 of the law was redrafted to give power to the Prime Minister to close down any media outlet or to limit or prohibit any activity.<sup>53</sup>

The right of access to information was also restricted on 13 June when the Ministry of Communications instructed all the internet service providers across the country to fully block access to certain social network sites including Twitter, Facebook and You Tube and services such as Skype, Viber and Whatsapp. On 14 June, the Prime Minister openly threatened in a press release to close al-Baghdadiya and al-Rafadeen TV channels for their alleged biased coverage, and to ban their staff from operating in the country.<sup>54</sup> Still on 14 June, the staff of ANB TV station resigned in protest

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exercise of this right through peaceful means and in the framework of civil peace. 6- Supporting the legislative authority in completing the legal system which fosters the Freedom of Expression, Assembly, and Peaceful Protest Law, by passing laws like the Right to Access of Information Law and the Cybercrimes Law, as well as amending some of the paragraphs of the Penal Code currently in effect, in a manner appropriate to the prevailing democratic climate in the country. 7- The Committee recommends that everyone exert shared efforts to support the execution of this law, because of the benefits that it provides to Iraqi society. We must face the truth that this law will not have any noticeable positive effect unless it is executed through a clear mechanism with the understanding of all parties, including CoR, the Government, the judiciary, and civil society, that they are responsible for implementing the law in solidarity and partnership.

<sup>52</sup> Article 1 of the law as passed empowered the Prime Minister to declare a state of emergency if the people of Iraq are exposed to a grave danger which threatens the lives of citizens or of the State. A state of emergency can also be declared if there is danger as a result of an ongoing violence by any number of individuals to prevent the formation of a government or to obstruct the peaceful participation of all Iraqis in political processes or for any other reason. Later article 58 of the Iraqi Constitution required that any state of emergency must be approved by the Council of Representatives and is restricted to thirty days subject to renewal each time by CoR.

<sup>53</sup> The Emergency Decree is available in Arabic on the Iraqi Press Agency website at: <http://www.iraqpressagency.com/?p=52781&lang=ar> (Accessed 15 June). Article 8 also requires all media to submit all of their material for review and approval to the Communications and Media Commission (CMC) prior to publishing or broadcast. Further to that, on 18 June the CMC issued the "mandatory order" to regulate media "during the war on terror" (as referred to by the CMC) The guidelines forbid publishing information about insurgent forces and requires media outlets and journalists to report on the ISF in "favorable terms". An English version of the guidelines can be downloaded from the Human Rights Watch website: <http://www.hrw.org/news/2014/07/02/communication-and-media-commission-guidelines-management-iraqi-mass-media-during-war> (Accessed 15 August 2014). The original Arabic version can be downloaded from the CMC's website. (Accessed 15 August).

<sup>54</sup> The threats to closures were the result of a complaint by the Iraqi Ministry of Communications to the Egyptian production company that hosted the TV stations. The Ministry accused them of broadcasting reports that "attack the Iraqi Security Forces and Iraqi national unity." "In view of the current security crisis in Iraq which is having a major impact on society and the media, both those based in Iraq and, to ban their personnel from operating in the country".



against the alleged lack of neutrality of ANB coverage of the latest events, especially the fighting between the ISF and ISIL. On 15 June, the director for radio and TV at Iraqi Media Network (IMN) warned that he would not hesitate to side-line media that did not support the Government and ISF and broadcast 'false' information. He added that, at the same time, IMN would be open to the independent journalists who resign from al-Arabiya and al-Hadath channels. On June 24, Egypt's broadcast regulating authority barred two privately owned Iraqi television stations based in Cairo, namely al-Baghdadiya and al-Rafadeen, from Egypt's main satellite system, Nilesat, after the Egyptian officials received complaints from Baghdad about the stations' on-air content.

## 9.2 Attacks against and arrests of journalists and media workers

UNAMI continued to receive reports of attacks on journalists including killings and attempted murders, death threats, arrests, harassment, and confiscation of equipment. On 23 March, one of the officers of the Presidential Protection Guard in Baghdad beat and then shot and killed in broad daylight Mohammed Bedaiwi al-Shammari, the Director of Radio Free Iraq in Baghdad. The alleged perpetrator was arrested and a case against him was initiated which the investigating judge referred for formal charge and trial before the Central Criminal Court. The investigating judge had argued that this was in accordance with the provisions of article 406 of the Iraqi Penal Code and the obligation to protect journalists under article 79 of Additional Protocol I of the 1949 Geneva Conventions<sup>55</sup> as well as United Nations Security Council Resolution 1738 of 2006 on the protection of civilians in armed conflict aimed at preventing acts of violence against journalists. The court verdict was pending as the trial was postponed until June in response to a request by the defence lawyer.

On 12 June during clashes between the Kurdistan Region *Peshmerga* forces and ISIL gunmen near al-Multaqa sub-district, southwest of Kirkuk, a freelance journalist associated with the Metro Centre for defence of journalists, was injured and captured by ISIL. He was accompanying Peshmerga in his reporting capacity during their movements southwest of Kirkuk. On 15 June, the crew of al-A'hed TV channel in al-Khalis district, in the north of Diyala Governorate was attacked by ISIL while they were reporting on the situation. The TV channel is linked to the Shi'a Islamist group *Asa'ib Ahl al-Haq*. The attack resulted in killing of the cameraman, Khalid Hamadwas, and injuring of the reporter, Mutaaz Allami.<sup>56</sup> Reports were also received of the arrests of journalists by Government security forces in Baghdad. On 15 June a reporter of al-Sharqiya News named Minas al-Souhil and his cameraman were arrested by the Baghdad Operations Command.

On 23 May, a journalist working for al-Baghdadiya, Hussam al-Aqouli, was attacked in his home in al-Mudara' quarter of Samawa city. Al-Baghdadiya is an Iraqi satellite channel, which broadcasts nationally and is known for adopting positions critical of the Government. The journalist had recently broadcast reports of the forced eviction of 20 Muthanna residents to clear space for a government building. In a video appearing on social media he recounted his ordeal from a hospital bed, accusing military men of coming to his house and beating him. On 26 May, UNAMI contacted MoHR in Muthanna, which confirmed that uniformed men had beaten the journalist. The journalist was released from hospital the following week, whereupon he announced that he would not file a complaint as he was unable to identify his attackers. Under pressure from al-Baghdadiya satellite channel, which dispatched a legal team to Samawa, Muthanna police reported that they would

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<sup>55</sup> While Additional Protocol I of 1977 deals with international armed conflict, some of its provisions are regarded as customary international law applicable in non-international armed conflict. Article 79 specifically protects journalists engaged in dangerous professional missions in areas of armed conflict as civilians and obligates the government to protect them, provided they take no actions adversely affecting their status as civilians. It further states that ID cards shall be issued to journalists by the government of the State of which the journalists is a national or in whose territory he resides or in which the news medium employing him is located and shall attest to his status as a journalist.

<sup>56</sup> UNAMI also received reports of blowing up of the house of the brother of a TV correspondent named Ali al-Hamdani in Baiji district. The correspondent was affiliated with Al-Fayhaa TV channel. The sources informed that before the attack the attackers chanted the slogan, "punishment for the journalists and their families in Salahuddin Province".

investigate in the absence of a victim complaint. Al-Baghdadiya continued to attract attention to the issue, using nationally broadcast television to accuse the Muthanna Governor, Prime Minister al-Maliki and the Interior Ministry Chief in Baghdad of instigating the attack. At time of writing, Samawa authorities had failed to identify the suspected perpetrators.<sup>57</sup>

On 3 June, Basra police arrested an al-Baghdadiya correspondent and his brother during a demonstration by former trainees of the Institute of Oil Training in the city. The police had previously prohibited the al-Baghdadiya crew from recording the demonstration. The correspondent was released after spending a day in police custody and his brother a day later. No charges were brought against them. Local media reported that prior to the arrest the correspondent had received threats from unknown sources in relation to his work as a journalist. The Basra Journalist Union leader described the arrest as part of a government campaign of harassment against al-Baghdadiya. The Basra Governor also issued a press statement condemning the arrest of the al-Baghdadiya crew and calling for the protection of press freedoms, an end to harassment and compliance with the law.

In a positive development, the Basra Journalist Union took measures to mitigate past mistakes when monitoring Election Day polling in April. In the Provincial Council elections of 2013, IHEC had restricted journalists to three polling stations, meaning they were unable to report on the conduct of voting more broadly and were cut off from international observers operating in different parts of the city. For the April 2014 elections, security forces agreed to provide journalists with press badges enabling them to travel through checkpoints and monitor polling in different parts of the city. On polling day a media operations centre was set up. The Journalists Union also established a hotline for voters who were unable to find their names on voting lists.

### 9.3 Freedom of Assembly

Public demonstrations and protests continued to take place in different areas of Iraq, including Baghdad, Basra, Kirkuk, Nineveh, and Thi Qar. On 27 May, UNAMI received information about the suspension of 12 students from the Nahrain University in Baghdad after their participation in a demonstration on 20 May inside the Law College about the unfair treatment by professors of some students who mingled with the opposite gender and spent their breaks between lectures at the cafeteria.<sup>58</sup> On 1 June, a number of students demonstrated at the University of Anbar following the murder of a student allegedly by unknown gunman. In the students' view the murder was committed purposely just before the final exams in order to scare and prevent other students from attending their final exam.

There were a number of peaceful demonstrations in the Kirkuk and Salah al-Din governorates and UNAMI noted that the authorities fully respected the rights of the demonstrators.

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<sup>57</sup> The channel broadcasts state-wide and is known for adopting positions critical of the government. The journalist had recently broadcast a report on forced eviction of 20 residents of Muthanna Governorate to clear space for a government building. In a video appearing on social media, the journalist from his hospital bed accused military men of coming to his house and beating him. However, after he was discharged from the hospital, he decided not to lodge a police complaint for reasons that he was unable to identify his attackers. It appears, however, that Muthanna police were conducting an investigation. This may be the result of pressure from al-Baghdadiya, which had dispatched a legal team to Samawa in al-Muthanna Governorate to follow the police response. The channel meanwhile continued to attract attention to the issue, accusing the Muthanna Governor, the Prime Minister and the Interior Ministry of instigating the attack. On 26 May, the HRO contacted the Ministry of Human Rights in Muthanna, which confirmed that men in uniform had beaten the journalist. According to the ministry, Muthanna police are in possession of security cameras with footage of the attackers getting out of a government vehicle immediately prior to the attack.

<sup>58</sup> The students were also demanding that the university change its policy on the wearing of single color uniforms so that it is in line with other colleges that use three colors. UNAMI wrote a letter to the Ministry of Education asking for further clarification on the incident and emphasized the students' right to freedom of expression and peaceful assembly. UNAMI described the reaction in the form of the decision by the Dean ordering the suspension of the students at the time of the final exams without consideration as disproportionate. UNAMI called for the decision to be revoked as it would result in the loss of a full academic year for the affected students.

Over 40 demonstrations took place in southern Iraq during the reporting period, many in response to poor services in residential neighbourhoods such as a lack of water and electricity, of adequate sewage and drainage systems, and poor roads. Other demonstrations were related to labour disputes with private companies or governmental institutions. The largest demonstration occurred on 15 March 2014 when thousands of supporters of Moqtada al-Sadr marked the “Day of the Oppressed” with a march to Thi Qar Governorate building in Nassiriyah.<sup>59</sup>

There were also demonstrations for and against the proposed al-Jaafari Personal Status Law, and a demonstration in Basra on 15 March 2014 calling for the return of mine clearance companies and the resumption of their work in Iraq (see sub-section above - Explosive Remnants of War). Also in March, the Basra Journalists Union held a demonstration against the killing of the journalist Mohammed Bedaiwi al-Shammari in Baghdad on 22 March 2014. There were no reports of violence or excessive use of force by the police at these demonstrations. In some instances, governmental authorities responded by acknowledging demonstrators concerns and promising to look into their demands, such as the Office of the Head of Basra Governor undertaking to consider improvements to the sewage system following a demonstration by Basra Municipality staff on 22 January 2014.<sup>60</sup>

## **9.4 Rights to Freedoms of Expression and Assembly, and Protection of Journalists in the Kurdistan Region**

### **9.4.1 Protection of Journalists**

The Kurdistan Region Government has stated its commitment to uphold freedom of expression and to protect the rights of journalists in the Kurdistan Region of Iraq.

During the first half of 2014, the Kurdish Journalists Syndicate recorded 21 cases of allegations of human rights violations pertaining to journalists including two attempted assassinations, seven cases of physical attacks and the closure of a media institution by the authorities.<sup>61</sup> In one case cited by the Syndicate, on 24 February, two journalists from Rudaw TV were reportedly attacked by police in Dohuk, while they were covering a football game in Dohuk stadium. In another case, a team from KNN TV was reportedly attacked by police at Truska School in Soran District of Erbil while covering the special voting process for military and security forces on 28 April, in the context of the Iraqi Council of Representatives and the Kurdistan Region Provincial elections of April 2014. Other reporters from the same channel were allegedly assaulted by police in Soran District in Erbil Governorate on 30 April in Sahand School also during the elections. The Syndicate’s report also mentioned that, on 30 June, team of journalists from KNN were attacked by Asayish while preparing a report on the issue of fuel shortage in the filling stations in Soran District.

UNAMI continued to follow the case of Kawa Garmiyani, the Kurdish journalist shot dead by unidentified persons in Garmiyani, Kalar District in Sulaymaniyah Governorate on 5 December 2013. UNAMI is concerned that no progress has been reported by the committee<sup>62</sup> established by the authorities to monitor the police investigation. On orders of the Kalar court, five persons were detained in connection with the murder and appeared before the investigation judge in Kalar. However another key suspect in the case, a Patriotic Union of Kurdistan (PUK) official, appeared in

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<sup>59</sup> Sadrist leader Muqtada al-Sadr had designed 15 March as the Day of the Oppression in March 2012 and called for demonstrations to demand the basic rights and unity against partisan affiliations and sectarian difference. Among the marchers were Iraqi Parliament members and Ministers from the Ahrar bloc.

<sup>60</sup> The last time authorities used violence at a demonstration in southern Iraq was on 31 August 2013 when security forces fired upon demonstrators in Nassiriyah.

<sup>61</sup> This data is included in a report that will be published and available at: The data will be published was included in a report, which was expected to be published in mid-August. It will be available at <http://www.kurdjs.com/Default.aspx?page=category&c=reports>.

<sup>62</sup> Two institutions – Kurdistan Journalists Syndicate and Metro Centre for Defending Journalists – have since withdrawn from the committee citing political interference in the investigation and the court processes.

court on 6 January, but was released on 22 January on the grounds that there was a lack of evidence to prosecute him. On 6 April, the President of the Kurdistan Region instructed his legal advisor to follow up with the Judicial Council and courts in Kalar District on the Garmiyani case.<sup>63</sup> In a demonstration staged in front of the Kalar court on 7 April, a group of journalists and activists reiterated their call on the Kurdistan Region Government to thoroughly investigate the killing of Garmiyani and bring the perpetrators to justice. In a meeting with UNAMI in Sulaymaniyah on 8 April, the lawyer representing the family of the murdered journalist claimed he has been denied access to the investigation process and documents related to the case.

In a report issued on 15 March, the International Federation of Journalists (IFJ) called on the Kurdistan Region Government to thoroughly investigate all unsolved attacks on journalists, including the murders of journalists Sardasht Osman<sup>64</sup> and Kawa Garmiyani and the arson attack on Nalia Radio and Television (NRT). The IFF called on the Government to publish the findings of all investigations, and to hold the perpetrators of these crimes to account before the law. Similar calls were made by the Kurdish Journalists Syndicate, Metro Centre and other local and international organizations, advocating for freedom of expression and the protection of journalists.

#### **9.4.2 Freedom of Assembly**

On 2 January, demonstrations in the sub-district of Said Sadiq in Sulaymaniyah Governorate of the Kurdistan Region lasted for three days. The demonstrators demanded improvement in the conditions of public services and living standards.. The anti-riot police came to the sit-in square and dispersed the demonstrators using tear gas. During violent clashes that ensued between the police and the demonstrators, one demonstrator was killed and 144 others were injured; and 60 police officers were also injured. The mayors of the district and of the municipality of Said Sadiq tendered their resignations, which were accepted by the Governor of Sulaymaniyah under the continued pressure and demands of the protestors.

On 5 January, a group of activists organized a demonstration in front of the Judiciary Council in Erbil city, calling for the investigation into the assassination of a journalist that took place in Kalar District of Sulaymaniyah Governorate on 5 December 2013 to be carried out according to the Iraqi Penal Code without any interference from the political parties and politicians. A journalist who covered this protest reported to UNAMI that his house was attacked by unknown people immediately after the demonstration.

## **10. Other human rights issues**

### **10.1 Migrant Workers in the Kurdistan Region**

UNAMI continued to monitor the rights of migrant workers in the Kurdistan Region. Contracts for foreign workers must comply with the Labour Law No. 71 of 1987 to ensure that all foreign workers meet the legal requirements for residency and work permits. Contracts should conform to article 30 of the Law, which stipulates that a contract of employment must be drawn up in writing and shall clearly state the type of work to be performed and the amount of wages to be paid. However, the lack of the appropriate residency papers and employment contracts exposes migrant workers to the risk of exploitation, arrest and even imprisonment. UNAMI received a complaint that in one cleaning company alone, 260 migrant workers did not have written contracts of employment or the legal paperwork that allows them residency in the Kurdistan Region. On 4 May, UNAMI met with the Head of Operations at the MoLSA (KR) in Erbil and he informed UNAMI that MoLSA (KR) planned to standardize employment contracts for all companies across the Kurdistan Region. According to the

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<sup>63</sup> See, official website of Kurdistan Region Presidency <http://www.krp.org/kurdish/articledisplay.aspx?id=/g2P9ykDvDA=> (Accessed 14 August 2014).

<sup>64</sup> Osman, a 23-year-old Kurdish journalist and mass communication student writing articles critical of the government, was abducted by unidentified persons in Erbil on 4 May 2010. His dead body discovered in Mosul two days later.

General Director of MoLSA the copies of employment contracts had been distributed to the Labour Directorates in the provinces but as of end June there was no budget to print and disseminate them.

## **10.2 Refugees and Internally Displaced Persons**

### **10.2.1 Refugees and asylum seekers**

Iraq is not a signatory to the 1951 Refugee Convention and its 1967 Protocol. However, for decades the country has been hosting and assisting, with UNHCR support, refugees of Iranian, Palestinian, Syrian and Turkish origin.

At the end of the reporting period, 220,210 Syrians registered as refugees or awaiting registration with UNHCR were residing in Iraq, of which 90,000 (41 per cent) were children. The vast majority of these persons, 220,173, were hosted in the three governorates of the Kurdistan Region (Dohuk, Erbil and Sulaymaniyah). Around 44 per cent of the refugee population lived in 10 camps, mostly constructed after the influx in August 2013. Some 56 per cent were residing with the host community.<sup>65</sup>

During June, the assistance for Syrian refugees was greatly affected by the takeover of Mosul on 10 June by ISIL and associated armed groups, and areas elsewhere in Ninewa Governorate and parts of Salah al-Din and Diyala governorates that led to a massive influx of internally displaced persons (IDPs) into the Kurdistan Region of some 650,000 persons, according to UNHCR.

### **10.2.2 Iraqi returnees**

Since July 2012, 45,840 Iraqis have returned from Syria, according to UNHCR figures for April 2014. Often the returnees cannot go back to their place of origin, leading to new secondary displacement inside Iraq. Approximately 50 per cent of assessed Iraqi returnees are Shi'a Arabs and 43 per cent are Sunni Arabs. Nearly all of the Shi'a returnees have resettled in predominately Shi'a communities in central and southern governorates. Christian Iraqi returnees are predominantly settling in Dohuk.<sup>66</sup> UNHCR has been working with the Government of Iraq to determine the actual number of stateless people in Iraq, which is expected to be below the reported number of 110,000 in December 2013.<sup>67</sup> Many thousands of previously stateless individuals have reacquired Iraqi citizenship in the recent years, according to UNHCR.

### **10.3.3 Internally Displaced Persons**

Violence in Anbar triggered the displacement of large numbers of civilians. As of the end of June, 550,000 people had been displaced from Anbar governorate<sup>68</sup> while a further 286,000 people had been displaced within the governorate.<sup>69</sup>

The takeover of Mosul city by ISIL in early June and of large parts of Ninewa Governorate led to further large-scale displacement within those governorates and into the surrounding areas, including the Kurdistan Region. As the security situation continued to deteriorate, further displacement occurred from Ninewa, Salah al-Din and Diyala. Initial estimates of the number of IDPs were set at 500,000 by the International Organisation of Migration (IOM), while the Kurdistan Regional Government estimated that 100,000 individuals had been displaced into Erbil, and 200,000 into Dohuk as of DATE.<sup>70</sup>

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<sup>65</sup> Monthly Information Kit, Syrian Refugees Response RRP 6/Iraq as of 30 June 2014.

<sup>66</sup> Iraq Displacement Profile, ACAPS, 4 July 2014.

<sup>67</sup> UNHCR April 2014; UNHCR Iraq 2014 cited in Iraq Displacement Profile, ACAPS, 4 July 2014.

<sup>68</sup> OCHA 25 June 2014 cited in Iraq Displacement Profile, ACAPS, 4 July 2014.

<sup>69</sup> IRAQ- New IDPs Map by Province as of 18 June, UNAMI.

<sup>70</sup> "Rapid Protection Needs Assessment for newly-arrived IDPs in the Kurdish Region of Iraq: Overview of Findings", Protection Working Group KRI, June 2014.

UNAMI recognizes the enormous strain that the sudden influx of IDPs put on the Kurdistan Regional Government authorities, and commends their efforts and the people of the Kurdistan Region in responding to this dire humanitarian situation.

## 11. Human Rights Institutions

### 11.1 Iraq High Commission for Human Rights

On 11 January, the Iraqi High Judicial Council (HJC) issued an administrative order establishing an office within the office of the Head of the General Prosecution, mandated to receive and investigate complaints received from the Iraq High Commission for Human Rights (IHCHR) on alleged human rights violations. The order also instructs the General Prosecution office to keep the IHCHR updated on developments related to investigations, to ensure proper documentation and follow-up of cases. UNAMI continued providing support to the IHCHR, the HJC and the General Prosecution office to establish the appropriate procedures to adequately implement this order.

In April, IHCHR was able to establish its secretariat in the old parliament building in Baghdad, but Regional offices were yet to be established. The lack of a presence in other parts of Iraq has hindered the IHCHR ability to properly coordinate its activities and for Iraqi citizens to submit complaints to IHCHR. UNAMI and the United Nations Development Programme (UNDP) provided technical support for the development of the IHCHR website, although its launch was still pending due to delays by the government such as allocating web hosting place.

During the reporting period UNAMI with UNOPS assisted IHCHR in the implementation of a new European Union-funded project by supporting the establishment of and participating in the Steering Committee to supervise the implementation of the project and provide policy guidance. The project began with an assessment carried out by the Institute for International Law and Human Rights, based in the U.S., on the capacity of the IHCHR and the challenges it faced in the implementation of its mandate over the past two years. UNAMI will continue to provide technical assistance and support to the IHCHR and its staff with UNOPS to fully implement the recommendations from this assessment.

UNAMI remained concerned at the lack of independence of IHCHR from the Government and political parties, which adversely affected the ability of the Commissioners to implement their mandate in full compliance with the Paris Principles<sup>71</sup>, and the Law No. 53 of 2008 on the High Commission for Human Rights.<sup>72</sup> A Chairperson was yet to be appointed, partly because of Iraq's increasingly volatile security situation but also due to lack of political will in some quarters of the Government to establish a strong and independent national human rights institution.

The IHCHR carried out at least three fact-finding missions, especially during June, following the escalation in the conflict and attacks carried out by ISIL on Mosul and other parts of Iraq. The Commissioners visited IDP camps in Erbil in the Kurdistan Region, and interviewed displaced persons from Mosul to gather first-hand information on human rights violations and to highlight their humanitarian needs. Earlier to the current crisis, the IHCHR carried out few prisons monitoring visits to monitor prison situation. They also visited the Syrian refugee camps to understand the human rights situation in camps.

### 11.2 Kurdistan Regional Independent Board of Human Rights

According to the Kurdistan Region Independent Board of Human Rights (IBHR), its staff conducted a total of 205 visits to prisons and detention facilities of the Police and Asayish, and 10 visits to

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<sup>71</sup> The Paris Principles established by the United Nations General Assembly Resolution 48/143 (1993). On the international standards and operating frameworks of National Human rights Institutions (NHRIs).

<sup>72</sup> Law No. 53 of the High Commission for Human Rights, 16 November 2008.

women's shelters in the first half of 2014.<sup>73</sup> Other activities included participating in a joint workshop with the IHCHR to prepare Iraq's 2014 Universal Periodic Review (UPR) report as well as carrying out awareness-raising campaigns on human rights issues through the media.

The IBHR continued to face challenges, in particular a limited number of qualified personnel, the lack of an approved organizational structure, and shortcomings in the Law No. 4 of 2010 (KR), establishing the board. In a meeting with UNAMI on 25 May, the President of the IBHR expressed concern that the staffing needs and other structural and operational requirements of the IBHR have not been addressed by the Kurdistan Regional Government and the Kurdistan Region Parliament. He was, however, optimistic that the new Parliament would adopt proposed amendments to the law establishing the IBHR to guarantee its financial independence, enable the board to become more functional, and enhance its credibility.

UNAMI engaged regularly with the IBHR and provided it with technical support. It advised the board on its annual work plan and implementation, and conducted training for selected personnel on report writing. UNAMI is also planning to support the board in planning for a regional conference to discuss amendments to Law No. 4 of 2010 (KR) so that it complies with The Paris Principles on national human rights institutions.

### **11.3 National Action Plan for Human Rights (NAP) and the Universal Periodic Review (UPR)**

No further progress was made by the national inter-departmental cross-sectoral committee<sup>74</sup> chaired by the MoHR to oversee implementation of the NAP adopted in December 2011, which aims at implementing those recommendations accepted by Iraq during its 2010 UPR. As at 30 June, 25 per cent of the recommendations had been fully implemented<sup>75</sup> while 73 per cent<sup>76</sup> had been partially implemented. Recommendations not yet implemented include the ratification of the optional protocols to ICCPR, ICESCR, and CEDAW and the issuance of a standing invitation to all United Nations special procedures.

The committee held two meetings during the reporting period and continued its work by conducting training of the personnel of relevant ministries on their responsibilities in relation to implementation of the NAP and on their reporting obligations. Iraq is scheduled to undergo its second UPR in October 2014. Following the provision of technical support by UNAMI to a coalition of 29 CSOs representatives from all the governorates of Iraq, the CSOs drafted and submitted their contribution for the stakeholders report through UPR online submission mechanism in March. Additionally, UNAMI also facilitated the submission of the joint report by the IHCHR and the IBHR.

### **11.4 Kurdistan Regional Action Plan for Human Rights**

The Kurdistan Regional Government did not report any progress in the implementation of the Regional Action Plan for Human Rights during the first half of 2014. The Inter-ministerial Committee, overseeing the implementation of the plan ceased operations at the end of 2013 when the committee submitted its contribution to the IHCHR for Iraq's submission to the next UPR.

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<sup>73</sup> The IBHR has offices in Erbil, Dohuk and Sulaymaniyah governorates and sub-offices in the districts and sub-districts of Koya, Zakho, Chamchamal, Soran, Akre, Sharazoor, Germiyan and Raniya.

<sup>74</sup> The National Action Plan was formally approved by the Council of Ministers in resolution number 357 on 27 September 2011. At the same time, the Council of Ministers agreed to establish a Cross-Sectoral Committee to oversee and coordinate implementation of the plan. This Committee is chaired by the Ministry of Human Rights (MoHR) and has representatives from the Ministry of Interior (MoI), Ministry of Justice (MoJ), Ministry of Defense (MoD), the Kurdistan Regional Government's Ministry of Justice (MoJ), Ministry of Health (MoH), Ministry of Labor and Social Affairs (MoLSA), the Minister of State for Women's Affairs, the Ministry of Governorate Affairs, the Council of Ministers, representatives of the Speaker and the Parliamentary Human Rights Committee, and the IHCHR, in addition to three representatives from the civil society organizations from different parts of Iraq, and advisory representative from the UNAMI-HRO.

<sup>75</sup> 33 out of 135 recommendations.

<sup>76</sup> 99 recommendations out of 135.

## 12. Mass Graves

On 15 January, the local Ministry of Human Rights (MoHR) in Maysan revealed that a mass grave had been located approximately 15km from al-Amara in Maysan Governorate containing seven sets of human remains. Maysan MoHR hoped to link the remains to DNA samples taken from family of missing people.

On 15 March, the Basra MoHR announced that it exchanged 108 human remains with the Iranian authorities at the al-Shilamcheh border in Shatt al-Arab District, in the Basra Governorate. All had been killed during the Iran/Iraq war between 1980 and 1988. According to a statement by the Head of the Basra MoHR, the Iraqis handed over 96 Iranian remains, of which 47 had been identified. Iran handed over 12 Iraqi remains, of which nine had been identified.<sup>77</sup> The exchange was overseen by the International Committee of the Red Cross (ICRC).

On 19 May, the Directorate of Martyrdom in Thi Qar issued a press release revealing that a mass grave had been discovered near a former military hospital, south of Nassiriyah city.<sup>78</sup> The grave is believed to contain corpses of people killed during the Sha'abaniya uprising against Saddam Hussein's regime in southern Iraq in 1991. A team from the Martyrdom Directorate travelled to the location in May, accompanied by Thi Qar MoH and Thi Qar MoHR, as well as local NGOs. The numbers of corpses in the grave are yet to be ascertained, although some local people identified their family members, whose remains they removed for burial in Najaf.

**End**

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<sup>77</sup> See online news article: <http://www.almirbad.com/news/view.aspx?cdate=15032014&id=0d4c5560-988a-4f8f-bd21-1f978c8599d7> (Accessed 13 August 2014).

<sup>78</sup> See online news article: <http://www.nasiriaeic.com/2014/05/19/16595.html> (Accessed 13 August 2014).





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