

URGENT ACTION

WOMAN CHARGED ON TORTURE-TAINTED EVIDENCE

A woman who survived IS captivity has been charged under the Anti-Terrorism Law and will face trial on 21 February 2017. She was reportedly tortured after her arrest on 25 October 2014 and forced to sign papers without reading them. She remains detained with her infant daughter. If convicted, she faces life imprisonment.

Bassema Darwish Khidr Murad, a 34-year-old Yezidi woman who survived abduction by the armed group calling itself the Islamic State (IS), continues to be detained with her infant daughter at the Women and Juvenile Prison in Erbil, in the Kurdistan Region of Iraq (KR-I). She is due to face trial on 21 February 2017 in front of the Second Erbil Criminal Court on charges under the Kurdistan Regional Government's (KRG's) Anti-Terrorism Law. The authorities have appointed a lawyer for Bassema Darwish, but placed hurdles on her ability to secure representation of her choice. According to her state-appointed lawyer, she is accused of belonging to a terrorist group and of complicity in killing members of the Kurdish armed forces (known as the Peshmerga).

She was arrested on 25 October 2014 from the town of Zummar, in the north-west of the country, where she was held captive. She was abducted by IS fighters, along with her husband and 33 other relatives, on 3 August 2014 while they tried to flee the city of Sinjar as IS fighters advanced and eventually took over the city. Bassema Darwish was pregnant at the time of her abduction by the IS and subsequently gave birth to her daughter while in custody.

Amnesty International is concerned by reports from Bassema Darwish's brother that she was beaten with cables, threatened with rape, left tied-up under a staircase for days and otherwise abused while held in Dohuk at the General Security Directorate of the KRG for about a week following her arrest. She was apparently made to sign papers under duress while blindfolded. Information extracted under torture or duress must be excluded from evidence according to the KRG's obligations under the International Covenant on Civil and Political Rights.

Please write immediately in Kurdish, English, or your own language:

- Urging the authorities to guarantee her right to a fair trial including her right to have access to lawyers of her own choosing, her right not to incriminate herself and her right to a public hearing. Independent monitors should be allowed unimpeded access to her trial hearings;
- Urging them to conduct independent, impartial and full investigations into claims that she was tortured and otherwise ill-treated at the General Security Directorate in Dohuk and to ensure that any information extracted under torture or duress is inadmissible as evidence in proceedings;
- Urging them to ensure that she is provided with all necessary medical and psychosocial assistance, as well as counselling, to help her overcome her ordeal in captivity.

PLEASE SEND APPEALS BEFORE 31 JANUARY 2017 TO:

President

Masoud Barzani

(Please send appeals to the KRG representative in your country addressing the President)

Kurdistan Region Presidency

Diwan P.O. BOX 60

Erbil, Iraq

Twitter: @masoud_barzani

Salutation: Your Excellency

Chancellor

Masrouf Barzani

Kurdistan Region Security Council

Erbil, Iraq

Salutation: Your Excellency

Care of Dr Dindar Zebari

Head of the High Committee to Evaluate

and Respond to International Reports

Email: piris.alzibari@gmail.com

And copies to:

Judge

Bengeen Qasim Mohamed Kattany

Kurdistan Region Judicial Council

Erbil, Iraq

Salutation: Dear Sir

Care of Dr Dindar Zebari

Head of the High Committee to Evaluate

and Respond to International Reports

Email: piris.alzibari@gmail.com

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 210/16. Further information:

<https://www.amnesty.org/en/documents/MDE14/4943/2016/en/>

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ADDITIONAL INFORMATION

Bassema Darwish Khidr Murad, a 34-year-old Yezidi mother of three, originally from the Babira village in Ninewa Governorate, was abducted by fighters from the armed group calling itself the Islamic State (IS), together with her husband and 33 other relatives, on 3 August 2014 as they tried to flee the city of Sinjar. She was pregnant at the time and was soon after separated from her husband. IS fighters have committed systematic crimes under international law including war crimes and crimes against humanity. Yezidi women and girls have been held in sexual slavery, raped, murdered or tortured. Some were forced to witness the murder of their male relatives, forcibly separated from their children or forced to convert to Islam.

According to informed sources, Bassema Darwish was arrested in the aftermath of military operations by the Peshmerga armed forces to retake the town of Zummar from IS. She was initially held in Dohuk, before being transferred to a detention facility under the authority of the Anti-Terrorism Directorate in Erbil, where she gave birth to her daughter Nour Hussein Haydar Khalifkou. The authorities claim that Bassema Darwish told the Peshmerga that the house where she was held captive was empty, but IS fighters hidden inside the house killed three members of the Peshmerga, including an officer, once they entered. Officials said that Bassema Darwish was responsible for the Peshmerga deaths and is therefore accused under the KRG's Law 3 of 2006 (Anti-Terrorism Law).

The head of investigations at the Anti-Terrorism Directorate told Amnesty International during a meeting on 15 August that Bassema Darwish had willingly converted to Islam, become "radicalized" and had deliberately tricked the Peshmerga forces.

Amnesty International researchers attempted to visit her in August 2016 and were denied access by the Anti-Terrorism Directorate, where she was held at the time. Amnesty International's subsequent requests to visit her, including in a letter to the KRG's High Committee to Evaluate and Respond to International reports on 20 October 2016, have gone unanswered.

Amnesty International has raised Bassema Darwish's case with the authorities on multiple occasions to no avail, including in a letter to Masoud Barzani, President of the Kurdistan Regional Government (KRG) of Iraq, on 26 August.

Name: Bassema Darwish Khidr Murad

Gender m/f: f

Further information on UA: 210/16 Index: MDE 14/5390/2016 Issue Date: 20 December 2016