

URGENT ACTION

WOMAN ARBITRARILY DETAINED WITH HER INFANT

A woman who survived IS captivity continues to be arbitrarily detained with her infant daughter in the Kurdistan Region of Iraq. She was arrested on 25 October 2014.

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 arbitrarily detained with her infant daughter at the Women and Juvenile Prison in Erbil, in the Kurdistan Region of Iraq (KR-I). She was arrested on 25 October 2014 from the house where she was being held captive in Zummar, in the north-west of the country. 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 IS and subsequently gave birth to her daughter while in custody.

Amnesty International is concerned by reports of abuse faced by Bassema Darwish including being beaten with cables when initially held at the Anti-Terrorism Directorate of the Kurdistan Regional Government (KRG).

Her relatives told Amnesty International she appeared in court in August 2016 at least once without a lawyer and was forced to sign four papers written in Kurdish without understanding their content. Since then, the authorities have appointed a lawyer for Bassema Darwish, but placed hurdles on her ability to secure legal representation of her choice. Private lawyers hired by her family have, for the past two weeks, sought to obtain a power of attorney to be able to defend her, but have faced a number of bureaucratic hurdles. The last time a lawyer sought the signature of the investigative judge responsible for Bassema Darwish's case, his request was rejected and he was apparently told that the defendant already had a state-appointed lawyer and did not need additional representation.

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

- Calling on the authorities to release Bassema Darwish immediately;
- Urging them to drop the case against her unless she is charged with a recognizably criminal offence, tried in a civilian court in proceedings meeting fair trial standards and kept at liberty until a civilian court rules on the merits of any accusation against her;
- Urging them to ensure that she has access to lawyers of her own choosing and is provided with all necessary medical and psychosocial assistance, as well as counselling, to help her overcome her ordeal in captivity;
- Urging them to conduct independent, impartial and full investigations into claims that she was tortured and otherwise ill-treated at the Anti-Terrorism Directorate.

PLEASE SEND APPEALS BEFORE 17 NOVEMBER 2016 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

Masrour 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 first update of UA 210/16. Further information:

<https://www.amnesty.org/en/documents/MDE14/4831/2016/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 eventually 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 IS fighters hidden inside the house from which she was arrested killed three members of the Peshmerga, including an officer, once they entered and that Bassema Darwish is responsible for their deaths and is therefore accused under Law 3 of 2006 (Anti-Terrorism Law).

According to the Anti-Terrorism Directorate, Bassema Darwish had become “radicalized” and had deliberately tricked the Peshmerga forces, and was responsible for their deaths. In a meeting on 15 August, the same authorities told Amnesty International that court hearings in her case had yet to be scheduled. In a response to Amnesty International’s inquiries surrounding Bassema Darwish’s detention, the Kurdistan Regional Government’s High Committee to Evaluate and Respond to International reports stated on 28 September that her case was still under investigation, and has yet to be transferred to a criminal court. Her relatives told Amnesty International she appeared in court in August at least once without a lawyer and was forced to sign four papers written in Kurdish without understanding their content.

Given that lawyers of her own choosing have been unable to access Bassema Darwish and that she was unable to read the papers she signed in court, it is unclear whether she has been officially charged yet or not.

Amnesty International researchers attempted to visit her in August 2016 and were denied access by the KR-I’s Anti-Terrorism Directorate, where she was held at the time.

Amnesty International has raised Bassema Darwish’s case with the authorities on multiple occasions to no avail, most recently 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 14/4943/2016 Issue Date: 6 October 2016