

HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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IRAQ

Republic of Iraq

Head of state: **Barham Ahmed Salih (replaced Fuad Masum in October)**

Head of government: **Adil Abdul Mahdi (replaced Haider al-Abadi in October)**

Since Iraqi authorities declared the end of the military operations to retake control of areas from the armed group calling itself Islamic State (IS) in late 2017, during which thousands of men and boys were killed or went missing, many thousands of female-headed households across the country were left struggling to survive. Armed actors under the control of Iraqi authorities collectively punished families with perceived affiliation to IS, including by denying them access to humanitarian aid, refusing to issue them crucial documents, and restricting their freedom of movement. Women in families with perceived IS affiliation were also subjected to sexual violence, including rape. Torture in detention was endemic. Courts continued to sentence individuals convicted of terrorism-related offences to death, frequently after unfair trials that relied on torture-tainted evidence. Iraq continued to use the death penalty extensively. Protesters demanding access to jobs, basic services and medical care were shot, beaten, arrested and detained by security forces. IS carried out bomb attacks on the capital, Baghdad, and in several other governorates, often targeting civilians. IS fighters abducted dozens of civilians and members of the security forces and summarily killed them.

BACKGROUND

Millions of internally displaced Iraqis returned to their areas of origin after the military operations to retake areas from IS ended in late 2017. However, hundreds of thousands remained displaced in camps and informal sites.

In May, Iraq held parliamentary elections, but the formation of the government stalled owing to electoral fraud allegations. Parliament consequently voted for a manual recount of all votes, but this resulted in no significant change to the result. On 2 October, Barham Ahmed Salih was elected as president. On 24 October, the new prime minister, Adel Abdul Mahdi, and 14 of the suggested 22 cabinet members were sworn in amidst disagreement among legislators.

Tens of thousands of residents in the southern governorate of Basra were reported to have been poisoned and hospitalized by polluted drinking water, fuelling ongoing protests against government corruption and mismanagement of the neglected south.

The UN estimated that 939 people were killed by “acts of terrorism, violence and armed conflict in Iraq” in 2018. At least four women, among them a human rights activist, were shot dead in what appeared to be targeted killings. Iraqi authorities stated that an investigation into the deaths would be launched.

In late November 2018, severe storms and floods displaced tens of thousands of people, caused serious damage to infrastructure and impacted several camps of internally displaced peoples (IDPs) in Ninewa governorate, according to the UN.

Turkish air strikes and shelling continued in areas under Kurdistan Regional Government (KRG) control in north-east Iraq, reportedly resulting in civilian deaths.

INTERNALLY DISPLACED PEOPLE

By November, humanitarian organizations had recorded that more than 4 million IDPs had returned to their areas of origin. The flow of returns slowed in the second half of the year and almost 2 million people remained displaced, the majority of whom were reported to be living outside formal camps. Secondary displacements and new arrivals to formal camps were also reported. People who remained displaced cited several reasons for not returning home, including damage and destruction to housing; lack of job opportunities, basic infrastructure and public services, including health

care; and insecurity due to unexploded ordnance, improvised explosive devices (IEDs), arbitrary arrests, harassment and intimidation by armed people, and in some cases fears of a new insurgency by IS.

COLLECTIVE PUNISHMENTS

The wave of enforced disappearances since 2014, and the deaths of many men during the military operations against IS in Iraq, left thousands of female-headed families struggling for survival. Families, particularly those headed by women, were stigmatized and collectively punished for being perceived to have links with IS owing to factors outside their control, such as being related, however distantly, to men involved with IS, or for fleeing from areas believed to be IS strongholds. In IDP camps, many were denied access to food, water and health care. They were also refused new or replacement identity cards and other civil documents, often meaning that they could not work, collect family pensions or send their children to school. In addition, their freedom of movement was severely restricted because of their lack of documentation or by camp authorities who prevented them from leaving camps, placing them in de facto detention.

Such families also faced verbal harassment, including sexual harassment and intimidation from people bearing arms, camp authorities and other camp residents. Women with perceived IS ties were subjected to sexual violence, including rape and sexual exploitation, primarily by armed actors affiliated with military and security forces in the camps.

BLOCKS ON RETURNS AND SECONDARY DISPLACEMENT

Families with perceived ties to IS were regularly prevented from returning to their homes or places of origin as a result of threats from neighbours, tribal and local authorities, and Iraqi forces, including the Popular Mobilization Units (PMU) and Tribal Mobilization militias. Displaced families attempting to return to their home areas were turned back at checkpoints if they did not have the documentation deemed necessary or their relatives appeared on “wanted lists” of men affiliated with IS.

Those who managed to return to their areas of origin said they were subjected to forced displacement, evictions, arrests, looting of their homes, house demolitions, threats, sexual abuse and harassment, and discrimination. Some families witnessed security forces attacking and arresting families affiliated with IS and so returned to the camps.

EXCESSIVE USE OF FORCE

Between July and September, security forces in Basra, including SWAT (Special Weapons and Tactics) forces, killed over a dozen protesters and injured hundreds of others when they used excessive force, including by firing live ammunition and tear gas, to disperse a series of protests demanding employment opportunities and better public services. Security forces chased protesters fleeing the scene and, according to witnesses, trapped and then beat them with metal rods and rifle butts, and used electroshock devices against some of them. They also assaulted or detained journalists covering protests, at times on the pretext that they had filmed security measures being taken around government buildings or had blocked roads.

In apparent retaliation against these deaths, protesters set light to government buildings and buildings affiliated with political parties and factions of the PMU. Activists present at one such incident on 6 September said that at least one of three protesters killed was shot by an armed guard of a political party building that was being attacked by other protesters.

Similar protests broke out in the capital, Baghdad, and in other governorates. In Baghdad, security forces arbitrarily arrested and detained protesters. They beat and used electroshock devices against detained protesters, interrogated them and forced them to sign papers without disclosing their contents, before releasing them.

Then Prime Minister Haider al-Abadi ordered an investigation into the violence during the Basra protests. Subsequently, the authorities dismissed and replaced a number of security and local government officials.

Amidst the protests in September, the authorities severely restricted access to the internet, including social media platforms. Peaceful protesters in southern Iraq and Baghdad believed the authorities deliberately disabled internet access before security forces fired at them, as they were unable to share images and videos depicting the abuses.

KURDISTAN REGION OF IRAQ

Kurdish security forces and armed individuals in civilian clothes violently dispersed peaceful protests in Erbil and Dohuk in March. Teachers, health workers and other public sector workers, as well as activists took to the streets across the Kurdistan Region of Iraq to protest against austerity measures and delays in payment of and cuts to salaries of state employees. Scores of protesters and several journalists were detained and said they were tortured or otherwise ill-treated and forced to sign pledges that they would not take part in demonstrations again.

KRG officials stated that the arrested protesters were charged with inciting violence and then transferred to court. They added that the protesters had not been granted a permit to stage the protests and that members of political parties had incited violence.

ABUSES BY ARMED GROUPS

IS killed and injured civilians throughout Iraq in suicide bombings and other deadly attacks that were indiscriminate or deliberately targeted civilians in crowded markets, residential areas and other public spaces. IS claimed bombings in Baghdad and other governorates, particularly Anbar, Diyala, Salah al-Din, Ninewa and Kirkuk. IS fighters were reported to have abducted and killed dozens of civilians and members of Iraqi security forces in rural areas. Fake checkpoints manned by IS fighters in attire similar to that worn by security forces were reported on highways linking various governorates to the capital. In late June, the bodies of six members of the security forces were found in Salah al-Din governorate. A video circulated earlier in the week had shown the six captured by IS and included threats to kill the men if Iraqi authorities did not release female prisoners suspected of having links to IS.

The UN stated that approximately 3,000 Yazidis were still missing as well as thousands of people from other religious minorities whom IS had also targeted. In November 2018, the UN Assistance Mission for Iraq and the Office of the UN High Commissioner Human Rights reported the discovery of over 200 mass graves in several governorates, adding that the graves contained individuals believed to have been killed for not conforming to IS rules.

UNFAIR TRIALS

Iraq's criminal justice system remained critically flawed. Trials fell considerably short of international standards. Individuals held on suspicion of being affiliated with IS were denied the right to an adequate defence and often were compelled to "confess" under duress. Courts continued to admit torture-tainted evidence and convict individuals under the Anti-Terrorism Law, more often than not resulting in death sentences.

Security officers threatened and in some cases arrested lawyers in court who were seeking to defend IS suspects and families perceived to be affiliated with IS. According to reports, this deterred other lawyers from working with individuals suspected of affiliation with IS.

ARBITRARY ARRESTS AND ENFORCED DISAPPEARANCES

Thousands of men and boys who were arbitrarily arrested and forcibly disappeared by central Iraqi and Kurdish forces while fleeing IS-held areas between 2014 and 2018 remained missing. Security forces, including the PMU, regularly arrested and forcibly disappeared men with perceived IS ties, at times directly from IDP camps. Iraqi and KRG authorities continued to operate overcrowded detention facilities, some of them secret. Released detainees and witnesses reported inhumane conditions.

TORTURE AND OTHER ILL-TREATMENT

Those detained by central Iraqi and Kurdish forces were routinely tortured and subjected to other forms of ill-treatment during interrogation, often to extract "confessions". Former detainees reported witnessing other detainees die as a result of such abuse.

DEATH PENALTY

Courts continued to hand down and uphold death sentences; scores of people were sentenced to death by hanging in 2018. Over two dozen women, particularly foreign nationals, were sentenced to death because a male relative, often their husband, was suspected of belonging to IS. A report by Associated Press said that Iraqi authorities had, since 2003, detained or imprisoned at least 19,000 people accused of links to IS or other terror-related offences, and had sentenced thousands of them to death.

The media office of then President Fuad Masum announced on several occasions that he had ratified "batches" of death sentences that had been upheld by courts.

Despite flagrant violations of due process, Iraq continued to carry out executions, sometimes of more than 10 individuals at a time. Executions were sometimes retaliatory and in response to public outrage after bombings and other deadly attacks, often claimed by IS. For example, on 28 June, then Prime Minister Haider al-Abadi called for the swift execution of convicted "terrorists" whose death sentences had been ratified. The call quickly followed the killing of six members of

the security forces abducted by IS fighters (see above). The Ministry of Justice subsequently announced that 13 people had been executed.

IMPUNITY AND LACK OF REMEDY

A report by the US authorities in June stated that US military actions had killed 499 civilians in Iraq, Syria, Afghanistan and Yemen in 2017, adding that hundreds of reports of civilian casualties from the same year were still to be assessed.

Yazidi women who had survived prolonged IS captivity and enslavement continued to lament the lack of an accessible and unified system of medical and psychosocial care. In August, Yazidi women who had recently escaped IS captivity in Syria and returned to Iraq told Amnesty International that they had struggled to pay for medical and psychological care and often felt let down by the international community.

A local NGO told Amnesty International that, since 2014, around 68 mass graves had been uncovered in Sinjar, north-western Iraq, that the bodies had still not been exhumed and that the sites were not being protected, despite Iraq's Law on Protection of Mass Graves.

A committee established by the prime minister's office in June 2016 to look into the abduction and forcible disappearance by PMU militias of 643 men and boys from Saqlawiya in Anbar governorate had still not publicly released any findings by the end of 2018.