

Improving Protections for Detainees and Survivors of Human Rights Abuses in Iraq

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HEARTLAND
ALLIANCE
INTERNATIONAL

- Heartland Alliance International (HAI) is the global arm of Heartland Alliance for Human Needs and Human Rights.
- Heartland Alliance for Human Needs and Human Rights has been leading anti-poverty and social justice work in Chicago for over 125 years.
- HAI headquarters: Chicago, Illinois with representation in DC and NY
- Currently HAI has programs in 9 countries, in the Middle East, Sub-Saharan Africa and Latin America and Caribbean regions, and one US based torture treatment program.

HAI's Mission

We believe in ensuring the safety of people whose rights have been violated and empowering them to actively engage in their communities and drive social change. Our mission is to secure the rights and well-being of marginalized people and communities.

HAI's Areas of Focus



Mental Health and Psychosocial Support



Access to Justice



Gender

➔ *Focus on human rights and access to justice for marginalized and vulnerable people*

➔ *Emphasis on partnering with government, local organizations/institutions; capacity building of national organizations & institutions; systems strengthening & developing sustainable programs*

Protection at HAI

- Activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely International Human Rights Law (IHRL), International Humanitarian Law (IHL) and International Refugee Law (IRL). (IASC Policy on Protection in Humanitarian Action)
- **Work with relevant stakeholders to:**
 - Prevent violations of rights from occurring or recurring;
 - Stop ongoing violations;
 - Provide remedies, through reparation and rehabilitation, if violations have occurred; and
 - Foster an environment conducive to respecting and protecting the rights of all peoples.



HAI Access to Justice Programming

Integration of human rights framework and principles into all HAI programs

- **Direct legal aid/representation/counsel**
 - Criminal, civil, family, immigration, traditional, mediation, etc.
- **Advocacy impacting justice & law enforcement substance and procedures**
 - Legal protections, evidentiary procedures, efficiency reform, etc.
- **Legal reform of existing laws**
 - Fill gaps, eliminate legalized discrimination, ensure compliance with human rights standards
- **Know-Your-Rights legal awareness campaigns**
 - On any legal, civil rights, protection topic
- **Capacity building for actors in the legal system and institutions** to protect citizens' rights, prevent situations of impunity, and eradicate discriminatory practices
- **Strengthening civil society** to ensure that citizens are able to hold government accountable

HAI in Iraq

- HAI has been working in Iraq since 2004
- Currently: Seven programs
 - Locations: Kurdistan Region of Iraq, Baghdad, Ninewa, Salahaddin Province, Mosul, Kirkuk, Basra, Al-Najaf, Hawidja, and Anbar

Programming in Detention Facilities

<p>CAT I: Strengthening the Rule of Law in Iraq: Implementation of the UN Convention Against Torture in Iraq</p>	<p>Duration: Sept. 2012-March 2015 Locations: Iraq (Baghdad) and Iraqi Kurdistan Goal: Hold GoI and KRG accountable for implementation of the CAT</p>
<p>CAT II: Upholding and Expanding Access to Justice in Iraq: Improving Protections for Detainees and Survivors of Torture</p>	<p>Duration: Sept. 2015-January 2018 Locations: Iraq (Baghdad) and Iraqi Kurdistan Goal: GoI and KRG better protect the rights of suspects and detainees</p>
<p>CAT III: Restoring Human Rights After Da'esh: Strengthening Government and Civil Society Response to Torture and Enforced Disappearance</p>	<p>Duration: April 2018-February 2020 Locations: Baghdad, and Anbar, Salahaddin, Nineveh governorates Goal: Iraqis have increased access to human rights protections & rule of law through strengthened public institutions and restoration of civil society</p>

Programming in Detention Facilities (contd.)

- CAT I

- LNGO partners surveyed 406 current and recent detainees to determine prevalence of torture. Report disseminated to advocates, legislators and other government stakeholders
- Direct legal representation to victims of torture to contest the use of evidence based on torture in criminal cases (N=44)
- 30 torture cases documented; two cases submitted to the UN Special Rapporteur on Torture
- Trained medical examiners on the Istanbul Protocol
- Supported formation of a Medico-Legal committee
- Collaborated with MoHR to draft anti-torture legislation
- 6 lawsuits filed against government officials and law enforcement officers for illegal use of torture
- Project recorded instances of torture by state security and military officials

Programming in Detention Facilities (contd.)

- **CAT I (contd.)**
 - MHPSS services (N=42) and education
 - Training of journalists (9 stories reporting on torture published)
 - Local project partners for both MHPSS and legal services

Programming in Detention Facilities (contd.)

• CAT II

- Formation of steering committee comprised of members from Gol and KRG, Iraqi Bar Association and Journalism Syndicate of Iraq
- Completed base and endline comprehensive survey on the conditions of detainees (N=345)
- Completed comprehensive assessment of abuse in juvenile detention and reformatories in the Iraqi Kurdistan and Baghdad (N=218)
- Direct legal representation for detainees held without charge and torture survivors, including men, women and juveniles (N=291)
- Capacity building with MoI, MoLSA, MoJ, Iraqi parliament, and Iraqi Kurdistan Regional Parliament on upholding UNCAT
- Legislative advocacy:
 - Contributed to passing of the Witness Protection Law in the Iraqi Council of Representatives
 - Participated in drafting the anti-torture law and Enforced Disappearance law with the Iraqi Council of Representatives

Programming in Detention Facilities (contd.)

• CAT II (contd.)

- Training of judges, public prosecutors, judicial investigators (N=143) on procedural rights of detainees
- Capacity building training of CSO lawyers on monitoring detainees procedural rights during arrest, investigation, trial
- Advocacy and raising awareness of humane treatment of detainees with civil society and community leaders
- Training of detention and reformatory staff in UNCAT principles
- MHPSS services for detainees (N=201); MHPSS capacity building training; established referral system between MHPSS and legal services
- Media campaign
 - <https://www.youtube.com/watch?v=pdCITiV6Jtl&t=8s>
 - <https://www.facebook.com/EndTortureIraq/videos/1784545731577672/>
- Local project partners for both MHPSS and legal services

Programming in Detention Facilities (contd.)

- **CAT III**

- Continued direct legal representation for detainees
- Continued capacity building of legal service providers
- Establish and capacity build former prisoner associations (support reintegration)
- HAI to collaborate with and provide technical assistance to IHRC and IHCHR to establish monitoring and reporting system on abuse and torture, arbitrary detention and enforced disappearances carried out by police and armed forces
- Expand the Iraq Justice Network for Prisoners
- Continued provision of MHPSS services
- Developing a torture treatment and training center in Mosul to provide services for survivors and other human rights abuses

Best Practices

- Implementation of project activities is in collaboration with local NGOs, relevant government ministries and the judicial system.
- Engagement with key stakeholders: Invested time and effort into building and maintaining positive relationships with government ministries, human rights bodies, justice department, parliamentarians, judges, lawyers.
- Advocacy
- Capacity building of civil society organizations, relevant ministries, detention center staff
 - Trainings tailored to Iraqi social, cultural and political context

Best Practices

- Include legal/justice component to activities being implemented in detention centers (e.g., never standalone MHPSS services)
- Focus on detainee rights and wellbeing
- Ensure a gender inclusive approach
- Positive and transparent donor relationship

Main Legal Frameworks Applied

- UN Convention Against Torture
- Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
- Intl Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- UN Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)
- Basic Principles for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention and or Imprisonment
- UN Rules for the Protection of Juveniles Deprived of their Liberty
- UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)
- Guidelines for Action on Children in the Criminal Justice System
- UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

Challenges

1. Difficulty accessing detention centers and reformatories
2. Lack of access to client case documentation
3. Acceptance by the judicial system of practices that violate human rights and Iraqi law
4. Lack of cooperation between government officials and security forces
5. Political instability and disagreement amongst political blocks
 - Delayed advocacy and legislative aspects of the project
6. Collaboration and relationship building with key stakeholders
 - Takes time; need to establish relationships with GoI and KRG
7. Lack of use of forensic evidence
8. Safety of staff and other stakeholders
9. Safety of torture survivors / Lack of witness protection program

Challenges

10. Juveniles:

- Safe return and reintegration (model, funding, human resources, referral and linkage options)
- Engagement with family members
- Legal framework related to juvenile justice needs to change to allow for alternatives to imprisonment (e.g., rehabilitation programs inside and outside prisons, vocational training)

11. Follow up and services once individuals are released from detention to support reintegration

12. Service provision: Duplication of services; all needs not met; lack of space

13. Human Resources: Need for capacity building

14. Challenges related to advocacy

15. Project sustainability

Questions?
Thank you!

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