

Report on Human Rights in Iraq

July to December 2017



Cleaning up the Al Shifa Hospital Complex in West Mosul, March 2018 (©UNDP/Claire Thomas)



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Table of Contents

1. INTRODUCTION	1
2. METHODOLOGY	1
3. PROTECTION OF CIVILIANS	1
3.1. OUTBREAK OF VIOLENCE IN TUZ KHURMATU ON 16 AND 17 OCTOBER.....	4
4. RULE OF LAW AND CRIMINAL JUSTICE/ADMINISTRATION OF JUSTICE	5
4.1. THE DEATH PENALTY	5
4.2. ILL-TREATMENT AND TORTURE, ARBITRARY EXECUTIONS.....	6
4.3. ACCOUNTABILITY	7
4.4. DETENTION.....	8
4.5. WOMEN AND JUVENILES IN DETENTION	8
4.6. ENFORCED DISAPPEARANCES	9
4.7. KURDISTAN REGION:.....	9
4.7.1. LEGISLATIVE FRAMEWORK.....	9
4.7.2. DUE PROCESS	10
4.7.3. ILL-TREATMENT AND TORTURE.....	10
4.7.4. DETENTION.....	11
4.7.5. WOMEN AND JUVENILES IN DETENTION	11
4.7.6. DEATH PENALTY	11
5. THE RIGHTS OF WOMEN	11
5.1. LEGAL AND POLICY FRAMEWORK	11
5.2. VIOLENCE AGAINST WOMEN	12
5.3. SHELTERS	12
5.4. KURDISTAN REGION:.....	13
5.4.1. LEGAL AND POLICY FRAMEWORK	13
5.4.2. VIOLENCE AGAINST WOMEN	13
5.4.3. SHELTERS	14
6. RIGHTS OF ETHNIC AND RELIGIOUS GROUPS	14
6.1. KURDISTAN REGION.....	15
6.2. SEXUAL MINORITIES/LGBTI.....	16
7. RIGHTS OF PERSONS WITH DISABILITIES	16
7.1. KURDISTAN REGION.....	17
8. FREEDOM OF OPINION AND EXPRESSION, AND FREEDOM OF PEACEFUL ASSEMBLY/ASSOCIATION	17
8.1. KURDISTAN REGION.....	18
9. INTERFERENCE IN THE WORK OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS	19
10. CAPACITY DEVELOPMENT ACTIVITIES	19
10.1. NATIONAL HUMAN RIGHTS INSTITUTIONS AND UPR ACTION PLANS.....	20
10.1.1. SUPPORT TO THE IRAQI HIGH COMMISSION FOR HUMAN RIGHTS	20
10.1.2. UPR ACTION PLANS	21
10.1.3. SUPPORT PROVIDED TO THE SPECIAL PROCEDURES.....	21
10.2. KURDISTAN REGION:.....	21
10.2.1. UPR ACTION PLANS	21

Recommendations

Recommendations for the Government of Iraq

Protection of Civilians

- Investigate all allegations of violations or abuses of international human rights law and international humanitarian law by all parties, prosecute those who are found responsible for such acts, and ensure that the findings of such investigations are made public.
- Ensure that arrests and detention of individuals are carried out on legal grounds only and supported by credible and sufficient evidence, and that all due process rights and fair trial rights guaranteed by the Constitution of Iraq and international law are fully respected.
- Ensure the protection of mass graves to preserve evidence of crimes committed and conduct independent, public coronial inquiries to identify the victims, collect evidence of wrongdoing, and fully investigate the circumstances that led to the deaths of the individuals concerned; ensure that family members of victims and missing persons are provided with all available information and adequate and timely financial, material and other assistance.
- Ensure the rights of all victims to an effective remedy, including the right to access to justice and adequate and prompt reparation for the harm suffered, and particularly that survivors of human rights violations, particularly of sexual and gender-based violence, receive adequate support, including psycho-social support and medical care.
- Ensure that individuals and families with allegedly ISIL-affiliated relatives are not subjected to threats and forced evictions, which may amount to collective punishment in contravention of the Constitution of Iraq and international human rights law and international humanitarian law binding on Iraq.
- Ensure that in areas where there has been recently affected by hostilities that responsibility for law and order is restored to civilian control, and that measures are taken to ensure the human rights of people are protected and basic humanitarian needs of civilians are met.
- Accede to the Rome Statute of the International Criminal Court. As an immediate step, accept the exercise of the Court's jurisdiction with respect to the specific situation faced by the country, pursuant to Article 12(3) of the Rome Statute, and introduce amendments to law to allow international crimes committed in Iraq to be prosecuted in domestic courts.

Rule of Law and Administration of Justice

- Undertake comprehensive criminal justice reforms, including a review of the Iraqi Penal Code No. 111 of 1969, the Iraqi Criminal Procedures Code No. 23 of 1971, and the Anti-Terrorism Law No. 13 of 2005 to ensure compliance with international human rights law and the Constitution of Iraq, including with regard to rights of due process and fair trial.
- Allocate sufficient resources to training police and investigators on due process and fair trial standards, and on appropriate techniques for investigating crimes, including non-coercive interviewing methods, the gathering of forensic and other evidence, and establish an independent oversight body, such as an ombudsman or police disciplinary tribunal, to

investigate allegations of abuse of authority by police and conduct independent and impartial investigations into cases of alleged forced disappearances.

- Ensure that all allegations of torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment) are promptly, thoroughly, impartially and independently investigated, that perpetrators are charged and tried according to law, and that victims are adequately compensated, including by providing medical, social and other assistance.

Detention Standards

- Address concerns raised by UNAMI/OHCHR through its monitoring of detention facilities regarding detention conditions through long-term solutions, and allow UNAMI/OHCHR to conduct confidential interviews with detainees.
- Resume literacy classes and vocational trainings by the Ministry of Education for detainees to aid in rehabilitation, and conduct regular courses for detainees to counter extremism and radicalization. Resume, with the support of UNAMI/OHCHR, external training for security sector employees including on compliance by prison staff with human rights standards.

Death Penalty

- Declare an immediate 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), 69/186 (2014), and 71/187 (2016) review the Iraqi Penal Code Law No. 111 of 1969 and the Criminal Procedure Code Law No. 23 of 1971 with a view to abolishing the death penalty or limiting its potential application to only the most serious crimes; and consider acceding to the Second Optional Protocol to International Covenant on Civil and Political Rights (ICCPR) aimed at abolishing the death penalty.
- 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.
- Establish a special judicial oversight body to monitor trials that may lead to the death penalty to ensure respect for due process and fair trial standards, and issue a directive to judges stating that a conviction of an accused person solely on the basis of a confession or evidence obtained under duress, particularly where there are allegations of torture and/or ill-treatment during the investigation, or based on the testimony of secret informants amounts to a human rights violation.

Women's human rights

- Revise the draft Family Protection Law to ensure that it includes measures to prevent sexual and gender-based violence (SGBV), offers protection to the survivors of SGBV, and ensures accountability of the perpetrators, in compliance with international standards.
- Implement the commitments made in the Joint Communiqué of the Republic of Iraq and the United Nations on Prevention and Response to Conflict-related Sexual Violence dated 23 September 2016, and consider extending the implementation period of the National Strategy on Combatting Violence against Women, and the extension and implementation of the Iraqi National Action Plan on UNSCR1325 with adequate resources.

- Review relevant legislation, including the Iraqi Penal Code No. 111 of 1969 to ensure full compliance with international human rights obligations in relation to promoting and protecting women’s rights, with priority to remove ‘honour’ as a mitigating factor in crimes of violence against women and family members and provisions that permit individuals accused of rape or sexual assault to quash criminal cases against them by marrying victims.
- Provide adequate resources for psycho-social and medical support, including shelters, for victims of domestic or other forms of violence, and provide capacity-building activities to law enforcement personnel on gender issues, particularly on violence against women.
- Issue directives that require officials responsible for law enforcement and administration of justice to promptly and impartially investigate all allegations of violence against women, in particular suspected so called “honour crimes,” to ensure that perpetrators are held accountable.

Rights of ethnic, religious, and other groups

- Adopt the draft Law on the Protection of the Rights of Religious and Ethnic Minority Groups, with an appropriate and inclusive definition of minorities; a mechanism by which minority groups can claim protection for cultural, religious, linguistic and heritage rights; and cross-references to other legislation, removing any uncertainty about its primacy.

Rights of Persons with Disabilities

- Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD), and review and amend the Law No. 38 of 2013 on the Care of Persons with Disabilities and Special Needs to ensure it is fully compliant with the CRPD and relevant international human rights norms.
- Strengthen the legal framework for the promotion and protection of the rights of persons with disabilities to address prevailing attitudinal and other barriers that prevent the full and equal participation of persons with disabilities in society.

Rights to freedom of expression and opinion, and of assembly

- Undertake a review of all existing laws, policies, and draft laws (including the draft Law on Freedom of Expression, Assembly, and Peaceful Protest) to ensure that they provide for and protect the right to freedom of expression and opinion of all persons in accordance with international human rights standards.
- Ensure journalists and media workers are protected against harassment and violence in the performance of their profession, that all allegations are promptly and thoroughly investigated, and those responsible are held accountable according to law
- Ensure that the right of individuals to demonstrate peacefully is fully respected by relevant authorities in line with applicable international human rights norms.

Recommendations for the Kurdistan Regional Government

Rule of Law and Administration of Justice

- Ensure full respect for the right to a fair trial for all detainees, including that they are promptly informed of the charges, they have access to independent legal counsel, and they are brought before a court to be tried within a reasonable time. Release immediately or prosecute and bring to trial all detainees held for prolonged periods of time without charge.
- Without exception, transfer all juveniles held in adult detention facilities to the Women and Juveniles Reformatories and ensure that they are accorded all fair trial rights and protections under international law for juveniles subject to the criminal justice system, and establish the legal age of criminal responsibility at 13 years and institute alternatives to detention and imprisonment of juveniles.

Death Penalty

- Make official the de facto moratorium on the death penalty, including in relation to current convicts sentenced to death in the Kurdistan Region.

Women's human rights

- Amend the Act of Combatting Domestic Violence to extend its scope to include forms of violence against women, not only domestic violence, are covered, and strengthen the capacity of police, investigators, judges and prosecutors to ensure cases of domestic violence are handled in a manner that prioritises the safety of the victim(s).
- Approve the shelter by-law drafted by the Ministry of Labour and Social Affairs, which clarifies the role of relevant government ministries in relation to shelters for women seeking refuge from violence. Develop programmes to assist women leaving shelters, including employment initiatives, workforce training courses, and opportunities for continuing (adult) education.

Rights of ethnic, religious, and other groups

- Strengthen the school curriculum and public education on human rights principles and fundamental freedoms to foster universal values and unity among Iraqis, equal opportunities, respect for diversity and non-discrimination, including by continuing to mainstream key human rights principles provided by UNAMI/OHCHR to the Ministry of Education in December 2016.

Rights of Persons with Disabilities

- Amend the Rights and Privileges of Disabled Persons and those with Special Needs Law No. 22 of 2011 to ensure it complies with the CRPD, and that it is fully implemented.

Right to freedom of expression and opinion

- Take measures to prevent violations and protect journalists from harassment and violence in the performance of their profession; and conduct prompt and transparent investigations into all violations against media outlets and media workers.

Executive Summary

This report, published by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), covers the period 1 July to 31 December 2017.

On 9 December, Prime Minister Haider al-Abadi declared final victory over the Islamic State in Iraq and the Levant (ISIL, also known as 'Daesh'). However, during the reporting period, the internal armed conflict between the Government of Iraq and pro-Government forces and ISIL continued to exacerbate violence and terrorism in Iraq and impact a broad range of human rights.

Civilians continued to suffer from the ongoing violence; the number of casualties (killed and injured) in the reporting period was 2,373. The total number of casualties for 2017 was 8,079, bringing the number of overall casualties from June 2014 to end of 2017 to 85,123. These figures should be considered an absolute minimum. The majority of civilian casualties resulted from the use of improvised explosive devices, including suicide attacks, with Baghdad being the worst affected. Civilians were also being targeted in small scale attacks by unknown gunmen believed to be ISIL militants, resulting in additional casualties. Thousands of others remained in ISIL captivity, including more than 3,000 members of the Yezidi community. Though civilian casualties caused by airstrikes decreased during the reporting period, they still continued to kill and wound civilians. Of growing concern is the attacks on families of suspected ISIL members, seemingly intended to expel them or prevent them from returning to their homes.

Mass graves continued to be discovered in areas previously controlled by ISIL including in Anbar and Ninewa governates. As of 29 January 2018, at least 115 mass graves have been discovered in Iraq since June 2014, with the largest number of mass graves, 39, being discovered in Ninewa Governorate. The reported estimated total number of victims ranges from 5,819 to 12,318. UNAMI/OHCHR will continue to document newly discovered mass graves as part of its ongoing survey initiative which will be provided, in accordance with United Nations policies and best practice and relevant international law, including international human rights law, rules and standards, to the *Investigative Team to Support Domestic Efforts to Hold ISIL (Da'esh) Accountable for Crimes that May Amount to War Crimes, Crimes against Humanity, and Genocide Committed in Iraq*, that is being established by the Secretary-General pursuant to Security Council resolution 2379 (2017).

During the reporting period there were significant clashes between the Peshmerga and the ISF in the vicinity of Tuz Khurmatu and Altun Kubri. Subsequently, UNAMI/OHCHR received a large number of allegations relating to attacks on civilians, including killings, and the destruction of civilian property that occurred in Tuz Khurmatu on 16 and 17 October, allegedly by Turkmen armed groups. This resulted in panic and fear among the population, causing many civilians to flee the city. A subsequent investigation by UNAMI/OHCHR identified destruction of private property and businesses and the marking of Turkmen property allegedly to prevent damage or looting.

The reporting period saw the continuation of large-scale mass executions of persons convicted of terrorism-related crimes. The mass executions are often in the presence of government officials, including the Minister of Justice, with information then uploaded on government websites and the personal Facebook accounts of government ministers. UNAMI/OHCHR remains deeply concerned with the lack of due process in such cases, likely resulting in widespread miscarriages of justice. Moreover, despite repeated requests since 2015, the government continued to fail to provide meaningful information concerning persons arrested, indicted, convicted, sentenced to death or executed for terrorism-related offences.

On a related issue, UNAMI/OHCHR monitoring of places of detention under the authority of the Ministry of Justice was hampered by obstruction—cancellation of agreed upon dates to visit and the refusal to permit confidential interviews with detainees. Places of detention that had been visited indicated serious overcrowding and poor infrastructure, including in juvenile detention facilities.

The rights of women and girls in Iraq remained a deep cause for concern. The killing of women and girls to protect the ‘honour’ of the family continued, as does the fact the police appear to be reluctant to meaningfully investigate such incidents. A so called ‘honour’ killing as mitigation remained part of the legal framework. The National Strategy to Eliminate Violence Against Women remained unimplemented and the revised draft Family Protection Law,¹ which includes measures to prevent sexual and gender-based violence and the protection of survivors of sexual and gender-based violence remained stalled.

In the Kurdistan Region, amendments to the Law for Combatting Domestic Violence which would include a robust definition of acts of domestic violence and increase the penalties for such crimes also stalled. This was despite the fact that statistics obtained by local authorities for the whole of 2017 suggested a notable increase in violence against women. One significant development in Iraq was the attempt by some parliamentarians to amend the Personal Status Law of 1959 that would have lowered the age of marriage that could permit the marriage of minors.

Freedom of opinion and expression, and freedom of peaceful assembly remained of serious concern during the reporting period. Journalists and other media professionals were subject to abduction, threats and intimidation by armed groups and unidentified persons. This has been of particular concern in the Kurdistan Region where local NGOs have reported a significant increase in violence and intimidation against journalists and other media professionals. On a number of occasions, the Kurdistan Regional Government had suspended media outlets.

UNAMI/OHCHR undertook a series of capacity-building activities in the governorates of Iraq and the Kurdistan Region to strengthen human rights promotion and protection. During the reporting period, UNAMI/OHCHR conducted 26 capacity building trainings and promotional activities in eight governorates of Iraq, including in the Kurdistan Region, aimed at promoting the protection of human rights. In total, 911 persons (527 male and 384 female) directly benefited from the capacity building trainings and promotional activities.

UNAMI/OHCHR continued to engage with disability rights civil society organizations and the Government of Iraq to promote respect for and protection of the rights of persons with disabilities, who continued to face significant challenges, including social, economic, and political discrimination. UNAMI/OHCHR provided technical assistance to support State compliance with the *Convention on the Rights of Persons with Disabilities* and other relevant international instruments, as well as advocating for an independent commission to ensure compliance with the provisions of the treaty. In the Kurdistan Region, the Ministry of Labour and Social Affairs issued instructions to provide guidance on who is entitled to receive benefits based on disability and established a database for registering persons with disabilities.

In collaboration with the Ministry of Justice, UNAMI/OHCHR supported government efforts to implement Iraq’s accepted recommendations contained in the Universal Periodic Review. UNAMI/OHCHR continued its technical support to the High Commission for Human Rights, which saw the appointment of its President and Deputy, ending months of delay. UNAMI/OHCHR provided assistance to strengthen the Commission’s secretariat intended to increase its capacity and efficiency.

¹ Also known as the Anti-Domestic Violence Law.

1. Introduction

Despite the conflict in Iraq between the Government of Iraq and pro-Government forces and ISIL decreasing by the end of 2017, the environment for the protection of human rights in the country remained fragile. Armed conflict, violence and terrorism continued to have a corrosive effect on a range of human rights, including those pertaining to the rule of law and administration of justice, the care and protection of women and children from sexual and gender-based violence (SGBV) and conflict-related sexual violence (CRSV) and accountability for the perpetrators of such violence, the respect and protection of the rights of minority ethnic and religious and other communities, protection of sexual minorities, as well as the rights of persons with disabilities, and the respect for the rights of freedom of expression and freedom of assembly. A lack of access to basic services and economic opportunities remain serious challenges for many Iraqis and has been compounded by the recent conflict with ISIL.

2. Methodology

The information contained in this report is based, where possible, on monitoring and testimonies obtained directly from the victims, survivors, or witnesses of human rights violations and abuses and/or violations of international humanitarian law. Information was also obtained by UNAMI/OHCHR from a variety of other sources, including Government and non-governmental organizations, human rights defenders, tribal leaders, religious leaders, political figures, civil society actors and other United Nations entities. Unless specifically stated, all information presented in this report has been corroborated and verified using independent, credible, and reliable sources. In some areas, the ongoing security situation in Iraq has affected the capacity of UNAMI/OHCHR to undertake direct monitoring and verification of allegations of human rights violations and abuses and violations of international humanitarian law. Victims, survivors and witnesses were also at times reluctant to speak to UNAMI/OHCHR due to threats, intimidation, and/or fear of reprisals. The incidents cited below are emblematic of the main human rights concerns, but are not exhaustive.

3. Protection of Civilians

On 9 December, Prime Minister Haider al-Abadi declared final victory over the Islamic State in Iraq and the Levant (ISIL) after Iraqi Security Forces (ISF) had regained full control over the Iraqi-Syrian border and cleared vast desert areas in western Ninewa and Anbar governorates.² However, from July to December, as ISIL's control over parts of Iraq decreased, it continued to intentionally target civilians to cause civilian casualties and terrorize the population.

From 1 July 2017 to 31 December 2017, there were a reported 2,373 civilian casualties resulting from the ongoing violence in Iraq. This figure includes 869 civilians killed and 1,504 wounded and represents a sharp reduction from the first six months of 2017, where at least 2,429 civilians were killed and 3,277 wounded. The majority of the casualties during the reporting period—55%—were the result of improvised explosive devices (IEDs), including suicide attacks and vehicle-borne IEDs. Baghdad was the worst affected governorate during the second half of 2017, with a minimum of 997 civilian casualties (233 killed and 764 wounded). Ninewa followed with 287 civilian casualties (157 killed and 130 wounded), while Anbar recorded the third highest rate of civilian casualties with 285 (100 killed and 185 wounded).³

² http://www.uniraq.org/images/SGReports/S201842_N1800447_ENG.pdf

³ For a detailed account of civilian casualties and protection of civilians concerns resulting from the campaign to retake Mosul and surrounding areas from ISIL, please see UNAMI/OHCHR "Report on the Protection of Civilians

In total during 2017, there were a reported 8,079 civilian casualties resulting from the violence compared to a reported 19,266 civilian casualties in 2016. This reduction corresponds with a decrease in the overall fighting between ISIL and ISF and the Peshmerga. In particular, after ISIL lost control of Mosul city in July of 2017, there was a significant reduction in civilian casualties. Cumulatively, from 1 January 2014 to 31 December 2017, UNAMI/OHCHR recorded 85,123 civilian casualties (29,973 killed and 55,150 wounded) from armed conflict, terrorism and violence throughout Iraq. These figures should be considered as an absolute minimum.

According to the International Organization for Migration, as of 31 December, 435,998 families (2,615,988 individuals) were internally displaced in Iraq after January 2014, while 3.2 million people have returned back to their place of origin. Women, children, people with disabilities, aged persons and persons from Iraq's diverse ethnic and religious communities remain particularly vulnerable and are in need of urgent support and assistance, especially in Mosul. By the end of 2017, the returnee population in Mosul was 94,020 families (564,120 individuals), and the number of IDPs from areas of origin in Ninewa Governorate who were still in displacement was 807,324 individuals.

While returns took place in many areas, additional displacements took place during the reporting period. A wave of displacement was triggered by the handover of the disputed areas from the Kurdistan Regional Government to the ISF during the second half of October. The International Organization for Migration reports that between 30 September to 31 October, IDP numbers increased by 26% (40,242 individuals) in Sulaymaniyah Governorate and 19% (58,590) in Erbil Governorate. During the same month, the number of IDPs in Anbar increased by 19% (20,262 individuals) due to the ongoing military offensive against ISIL in the western part of the governorate.

Armed conflict and violence continued to impact the lives of children during the reporting period. Incidents were tracked through the Monitoring and Reporting Mechanisms established pursuant to Security Council Resolution 1612. According to the UN Country Task Force on Children and Armed Conflict for Iraq, 269 incidents of grave violations affecting 1,277 children were recorded between 1 July and 31 December 2017. Out of these, 228 incidents were verified. Out of the 269 incidents, 87 involved killing and maiming, affecting 158 killed and 133 wounded. Of the 87 incidents, 54 were verified. In the 54 verified incidents, 68 children were killed and 100 maimed. Most child casualties occurred in Ninewa Governorate. There were reports of 175 children (168 boys and seven girls) being recruited and used by parties to the conflict by non-state actors, including ISIL, with 72 of these reports being verified. One hundred and twelve attacks on schools were verified, while the use for military purposes of six schools were verified. Twenty-four children were verified to have been abducted and seven girls exposed to sexual violence.⁴

The single deadliest tactic that caused civilian casualties during the reporting period remains the use of IEDs, including suicide bombers: from July to December there were 404 incidents involving IEDs that killed 294 civilians and wounded 1002. For example, on 2 July, an attack by an ISIL militant wearing an explosive vest targeted a group of civilians in the retaken Nabi Jirjis neighborhood of Mosul, killing a female civilian and wounded nine others, including four women and two children. On 3 July, an ISIL militant—reportedly a foreign woman—detonated an explosive vest among a group of civilians fleeing an ISIL controlled-neighborhood in western Mosul, killing eleven civilians. Attacks also took place outside of Ninewa; on 21 November, in Tuz Khurmatu city, Salah Al Din Governorate, a vehicle laden with explosives detonated in a crowded market, killing 24 civilians and wounding 60 more, including women and children, and on 27 November, an attack by gunmen wearing explosive vests in Baghdad,

in the Armed Conflict in Iraq: The Ninewa Operations and the retaking of Mosul City, 17 October 2016 – 10 July 2017”.

⁴ Figures and information provided by the Country Task Force on Children and Armed Conflict, 22 January 2018.

reportedly claimed by ISIL, killed at least 11 civilians and wounded at least 25 others. Moreover, explosives reportedly left by ISIL continued to cause civilian casualties. For example, on 19 August, in Qretagh village of Hamdaniya district, Ninewa Governorate, an IED planted by ISIL detonated on a roadside killing a civilian man and wounding eight others.

Although the number of civilian casualties caused by airstrikes decreased during the reporting period, they continued to kill and wound civilians. From 1 July 2017 to 31 December, 39 civilians were killed and 14 were wounded as a result of airstrikes, accounting for 2% of civilian casualties, compared to 673 civilians killed and 298 wounded during the previous six months, which constituted 17% of civilian casualties. This decrease is due to a reduction in hostilities between ISIL and ISF, especially in Ninewa Governorate. However, airstrikes continued in other areas. For example, on 30 July, an airstrike hit a residential area in Rawa district, Anbar Governorate, killing at least four civilians, and on 5 September, an airstrike killed at least five civilians in the same district. In both incidents, the perpetrators are unknown.

Small scale attacks by unknown groups—reportedly ISIL militants—continued to cause casualties. For example, on 16 December, a group of unknown gunmen shot at Iraqi Federal Police (IFP) while they were patrolling in al-Nahrawan neighborhood in western Mosul City, killing three IFP personnel. On 31 December, gunmen attacked Farhatiya village in Balad district, Salah al-Din Governorate, killing four civilians (including a woman and a boy) and wounding nine others (including women and children). And on 28 November, unidentified gunmen stormed a store in eastern Mosul, shot and killed its owner.

Attacks targeting families of suspected ISIL members and their property continued, with the reported objective to expel them, or prevent them from returning to their homes, particularly in Anbar and Salah al-Din governorates. On 13 October, the ISF reportedly notified families of suspected ISIL members to leave Heet city, Anbar Governorate within 72 hours. Subsequently, on 26 October, three houses were attacked with explosives and two houses were burnt in Heet city, and on 4 November an additional two houses were burnt in separate incidents in the al-Khidir and al-Dawara areas of Heet city. On 11 November, in al-Obeidi village of Qiam district, Anbar, a house belonging to an alleged ISIL member was burnt. Reports were received that it was members of the owner's own tribe that had carried out the act. And in Tikrit, Salah al-Din Governorate, it was reported that between 8 and 20 November unknown perpetrators using explosives blew up at least 20 residential houses in three villages on the western side of Shirqat district, north of Tikrit city. All of the houses belonged to families perceived to have an affiliation with ISIL.

In Mosul city, the remains of civilians continued to be discovered as recovery efforts take place through the city. By 31 December, the Ministry of Interior's Civil Defence Corps had recovered 1,690 bodies in Mosul of which all but three were from western Mosul—a clear indication of the ferocity of the fighting that took place in that part of the city.

Mass graves also continued to be discovered in areas previously controlled by ISIL. On 28 November, police discovered a mass grave in Heet city, Anbar Governorate, containing the remains of at least 12 civilians and police members killed by ISIL. On 30 November, a mass grave was discovered in Sinjar district, Ninewa Governorate, reportedly containing the remains of 25 Yezidi killed by ISIL in June 2014. In preparation for the deployment of the Special Investigative Team pursuant to Security Council Resolution 2379, UNAMI/OHCHR has conducted a survey of mass graves linked to the conflict with ISIL. As of 29 January 2018, at least 115 mass graves have been discovered in Iraq since June 2014, with the largest number of mass graves, 39, being discovered in Ninewa Governorate. The reported estimated total number of victims ranges from 5,819 to 12,318. The results of the survey have been

provided to Iraqi authorities, including the Mass Graves Directorate within the Martyrs Foundation, as well as other key national and international stakeholders.

3.1. Outbreak of hostilities in Tuz Khurmatu on 16 and 17 October⁵

On 25 September, an independence referendum was held in the Kurdistan Region and disputed territories under the control of the Kurdistan Regional Government since 2014. In response, federal security forces launched repositioning operations on 16 October. Commencing in Kirkuk, they proceeded rapidly through other disputed territories. In most cases, the withdrawal of Peshmerga forces from these areas took place in coordination with the ISF. However, significant clashes between the Peshmerga and the ISF occurred in Tuz Khurmatu, Salah al-Din Governorate⁶ and Altun Kubri cities, Kirkuk Governorate.

UNAMI/OHCHR received and investigated a large number of allegations concerning the destruction of property that took place on 16 and 17 October during the outbreak of violence in Tuz Khurmatu. A number of sources and witnesses alleged that civilians and members of Turkmen armed groups carried out these acts as well as intimidation of residents, many of whom left the city in fear. The identity of the perpetrators of these acts remains unknown.

On 7 December, a UNAMI/OHCHR mission to Askari and Imam Ahmed neighbourhoods in Tuz Khurmatu, both of which have a large Turkmen population, observed that one building had been damaged by what appeared to be a mortar strike. Satellite images of Jumhuri and Jamila neighbourhoods (primarily Kurdish quarters) in Tuz Khurmatu prior to and after the violence indicate that at least 40 buildings had been destroyed in Jumhuri (29) and Jamila (11) neighbourhoods. In a subsequent mission on 14 December, UNAMI/OHCHR observed approximately 100 shops burnt or damaged along the main market road in Jumhuri, many of which could not be seen in the satellite imagery. UNAMI/OHCHR also observed approximately 30 homes that were burnt or damaged. Five houses were demolished in Jamila and one in Jumhuri. UNAMI/OHCHR also observed widespread graffiti marking homes as belonging to Turkmen, allegedly to prevent damage and/or looting. IDPs reported they would ask Turkmen friends and/or neighbours to mark their properties to protect them.

In subsequent months following the 16 and 17 October outbreak of violence, reports of civilians being killed and wounded in sporadic incidents in Tuz Kharmartu were received. For example, on 9 December, one boy was killed and 12 civilians, including two women, were wounded during shelling of Aksu, Jamila and Jumhuri quarters of Tuz Khurmatu City. Two unconfirmed allegations of sexual violence were also received. These incidents remain under investigation.

In press statements on 19 October and 12 December, and during a briefing by Mr. Jan Kubiš, Special Representative to the Secretary General for Iraq, to the UN Security Council on 22 November, UNAMI expressed concern about the situation of the civilian population in Tuz Khurmatu and on the destruction of property. UNAMI also expressed its concerns over the indiscriminate mortar attacks on the town and

⁵ SRSR Kubiš condemns Tuz Khurmatu bombing, 22 November 2017

http://www.uniraq.org/index.php?option=com_k2&view=item&id=8229:srsg-kubis-condemns-tuz-khurmatu-bombing&Itemid=605&lang=en (accessed 21 February 2018).

⁶ “Summary of UNAMI Findings in Tuz Khurmatu” (UNAMI Press Release, 23 December 2017) http://www.uniraq.org/index.php?option=com_k2&view=item&id=8391:summary-of-unami-findings-in-tuz-khurmatu&Itemid=605&lang=en (accessed 30 January 2018).

called for an immediate end to acts that threaten the security and the safety of the Kurdish and Turkmen communities.

4. Rule of Law and Criminal Justice/Administration of Justice

4.1. The Death Penalty

UNAMI/OHCHR remains seriously concerned regarding the application of the death penalty in Iraq, in particular concerning issues of due process, fair trial rights, and the violation of the right to life, and called on the Government of Iraq to impose a moratorium on the death penalty with a view to its eventual abolition. Additionally, the UN Special Rapporteur on extra-judicial, summary, or arbitrary executions following her visit to Iraq in November 2017 noted that the Anti-Terrorism Law No. 13 (2005), “includes acts whose gravity falls below the threshold of the “most serious crimes” to impose such a sentence”.⁷

Since 2015, the Ministry of Justice has not responded to repeated requests by UNAMI/OHCHR for information regarding the implementation of the death penalty, particularly how many persons have been sentenced to death, and the time and location of executions. UNAMI/OHCHR has reiterated to the Government that executions and death sentences implemented pursuant to judicial proceedings are a matter of public interest, which requires that such decisions be implemented in a transparent manner with full public disclosure. In its resolution 69/186 on a moratorium on the use of the death penalty, the General Assembly called upon all States to make available relevant information with regard to their use of the death penalty, including the number of persons sentenced to death, the number of persons awaiting execution and the number of those executed.

However, in several instances information was released. The High Judicial Council announced that on 8 August, the Central Criminal Court in Baghdad sentenced to death 27 people for their role in the Camp Speicher massacre of June 2014 and acquitted 25 others for lack of evidence. The sentences were handed down based on Article 4 of *Anti-Terrorism Law No. 13 of 2005*. The sentences will automatically go to the Cassation Court for its review. Additionally, reports of large-scale executions are often reported on the social media accounts of the Minister of Justice or on the Ministry website. For example, on 24 September the Ministry announced on its website⁸ that 42 people convicted of terrorism-related crimes (including killing ISF members and attacks using IEDs and vehicles laden with explosives) were executed in Nassiriya Central Prison the same day. According to reports, the Minister of Justice and Thi-Qar authorities were present during the executions. In a press conference,⁹ the Minister of Justice stated that three or four executions occur per week in Baghdad and Nassiriya and 15-20% of the 6,000 prisoners held in Nassiriya Central Prison are sentenced to death. And on 14 December, 38 prisoners, sentenced to death for terrorism crimes, were also executed in Nassiriya Central Prison. The Minister of Justice attended the executions, which were confirmed on the official website of the Ministry¹⁰ and on the personal Facebook page of the Minister.¹¹

In response to the executions in September, the United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, declared he was appalled at the mass executions, noting that it was extremely doubtful that the necessary strict due process and fair trial guarantees had been met in every one of the

⁷ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22452&LangID=E> (accessed 1 December 2017).

⁸ <https://www.moj.gov.iq/view.3446/> (accessed 24 September 2017)

⁹ <https://www.youtube.com/watch?v=Qm36ri2Xv7M> (accessed 26 September 2017)

¹⁰ <https://www.moj.gov.iq/view.3578/> (accessed 30 January 2018).

¹¹ <https://www.facebook.com/Dr.Hayder.Moj/posts/463298297398457> (accessed on 29 January 2018).

42 cases. He added that there was a clear risk of a gross miscarriage of justice.¹² On 25 October, UNAMI/OHCHR received information that 39 of those executed had been convicted under the *Anti-Terrorism Law No. 13 of 2005*, and the remaining three pursuant to Article 406 of the *Iraqi Penal Code*. The Spokesperson for the High Commissioner issued a similar statement after the executions on 14 December.

There were important developments in the legal framework for amnesties during the reporting period. *The Amnesty Amendment Law No. 80 of 2017* (“the 2017 Law”), which entered into force on 21 August 2017, modified the legal framework on amnesty for Iraqis sentenced to death or a term of imprisonment for various offences.¹³ The 2017 Law renders ineligible for amnesty those convicted of various offences including abduction, as well as terrorism offences stipulated in the *Anti-Terrorism Law No. 13 of 2005* where the crime was committed after 10 June 2014. This appears to exclude the possibility that amnesty could be used as a tool for reconciliation and reintegration of persons convicted of being members of ISIL and denying convicted persons the right to seek a pardon or commutation of their sentence as required by the ICCPR.¹⁴

Forced expulsions from areas in several governorates, may amount to collective punishment. For example, in Anbar Governorate, on 13 October, according to several reports, ISF notified families with members allegedly affiliated to ISIL to leave Heet city by marking their houses with the words “you should leave within 72 hours.” One report stated that most families whose houses were marked moved to Kilo 18 IDP camp and that nearly 200 such families did so. Another report indicated that on 12 October, local authorities in cooperation with ISF, marked between 115 to 120 houses and informed families with alleged ISIL affiliations to leave the city within 72 hours. In Salah al-Din Governorate, in Jumaila village in al-Shirqat district, on 30 December, an unknown armed group, using explosives, destroyed three houses belonging to families with perceived affiliations with ISIL.

UNAMI/OHCHR also remains concerned about attempts to deny internally displaced persons the right to return to their homes as well as attempts to intimidate those who support their return. On 25 August 2017, UNAMI expressed its concern at a decision by a majority of the members of the Babil Provincial Council to bring legal proceedings against any politicians or political party that called for the return of thousands of displaced persons to their homes in the area of Juirf al-Sakhar, which is a primarily Sunni area. The decision represented an attempt to intimidate Iraqi politicians from carrying out their duty to work for the return of civilians from their areas who had been internally displaced as a result of operations against ISIL.

4.2. Ill-Treatment and Torture, extra-judicial executions

Despite the Constitution and laws of Iraq and international human rights laws, which unequivocally prohibits torture, UNAMI/OHCHR continued to receive a number of complaints from detainees, prisoners, and defendants during court proceedings, or individuals subsequent to their release, alleging that they had been subjected to torture and ill-treatment so as to provide confessions during investigation. Additionally, during the reporting period videos appeared online reportedly of ISF involved in ill-treatment and arbitrary executions.

¹² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22166&LangID=E> (accessed 27 September 2017)

¹³ The legal framework is set out in Amnesty Law No. (27) of 2016.

¹⁴ See article 6(4).

On 22 July, video footage was posted online which allegedly shows Iraqi police slapping, kicking and verbally ill-treating a Sudanese man—whom they allegedly accused of being an ISIL member—on 4 July in western Mosul.¹⁵ The video also shows the man’s beard and hair being burnt with a lighter. On 29 July 2017, according to the official website of the Ministry of Interior, Minister of Interior, visited Mosul and made an official apology to the Sudanese man who appeared in the video. The Ministry of Interior statements adds that the Sudanese man was “beaten by Iraqi men who have now been identified as Iraqi police. The minister gave orders to jail the perpetrators.”

A series of videos and reports of alleged violations by ISF in Mosul were circulated online during the reporting period. On 11 July, a video posted online showed men in military uniform beating several captives, dragging one of them to the edge of a high wall, then throwing him off the wall and shooting him numerous times as he lays on the ground by a river. Another man, already lying on the ground, is also shot numerous times by the uniformed men. UNAMI/OHCHR could not verify the authenticity of the video. Media reports claimed the gunmen were members of the ISF operating in Mosul, and the victims were suspected ISIL members. UNAMI/OHCHR was informed that a committee has been established to investigate this video; the findings will be made public; and the perpetrators will be prosecuted before a military court.

In a press conference on 18 July, the Iraqi Prime Minister acknowledged that members of the ISF had committed violations in the battle to retake Mosul from ISIL, but maintained that they were "individual acts" and the perpetrators would be punished. Speaking after videos were circulated on social media allegedly showing Iraqi troops executing alleged captured ISIL suspects, and reports of 17 bodies found in western Mosul, the Prime Minister speculated that any soldiers who committed such violations were either “ignorant” of the consequences or had struck a deal with ISIL “to defame us and the security forces.”¹⁶

On 12 July, UNAMI/OHCHR requested Iraqi authorities to investigate a disturbing video published by a Swedish newspaper which appeared to show members of the Iraqi Federal Police carrying out beheadings and other members of ISF beating and ill-treating detainees. The Iraqi Prime Minister, on 16 September, stated that violations during the Mosul campaign were carried out by individuals, not systematically, and that those responsible were being held accountable. On 15 January 2018, Iraqi authorities replied to UNAMI/OHCHR’s request with a detailed refutation of the allegations.

4.3. Accountability

Ensuring accountability for crimes committed in relation to armed conflict, including acts of terrorism and other forms of violence, violations of international humanitarian law, and human rights violations and abuses, no matter when, where or by whom such crimes, violations or abuses were committed, remain significant challenges in Iraq. Presently, Iraqi courts do not have jurisdiction over international crimes committed in Iraq and the capacity to investigate and try perpetrators of such crimes remains extremely weak.

In 2017, UNAMI created a Task Force on Justice and Accountability to create a proposed draft law (the “Proposed Draft Law”) to establish a Specialized Criminal Court for the Most Serious Crimes—genocide, war crimes and crimes against humanity—the “Specialized Court”) so Iraqi courts can exercise jurisdiction over international crimes. The Task Force consists of prominent judges and jurists

¹⁵ <http://www.moi.gov.iq/index.php?name=News&file=article&sid=3136> (accessed 11 March 2018).

¹⁶ <https://www.youtube.com/watch?v=tn6wzrsZgZY> (the Prime Minister’s official YouTube channel, accessed 20 July 2017).

who advised international consultants with expertise in the ICC, ICTY and other international courts to create the proposed draft law. The Proposed Draft Law contains provisions establishing the Specialized Court and its procedures, including temporal (1 January 2014 onwards) and territorial jurisdiction, definitions of the specific international crimes and the rights of the accused, which are in accordance with Iraq's international human rights law obligations such as the presumption of innocence. It does not include the death penalty as punishment for international crimes but instead life imprisonment.

The Proposed Draft Law was finalized in December and was presented by UNAMI/OHCHR to senior leadership in the Government, parliamentarians, including members of the Parliamentary Human Rights Committee, and members of civil society. UNAMI/OHCHR will continue to advocate for the introduction of the Proposed Draft Law to the Council of Representatives for consideration and open discussion.

4.4. Detention

UNAMI/OHCHR monitored places of detention administered by the Ministry of Justice and provided technical advice to prison directors and relevant ministries through recommendations on compliance with international standards on detention. Physical conditions in many detention facilities and prisons remain poor. Overcrowding has strained already poorly maintained or out-dated infrastructure, including water, sewerage, ventilation, and other services. The situation has been exacerbated by several factors including military operations and the resulting increase in the number of detainees, and the transfer of detainees and prisoners from insecure locations to facilities that are already over-capacity and poorly resourced. Rehabilitation programmes exist in some prisons, and include literacy and computer classes, vocational and work schemes. However, there appear to be few structured programmes, particularly in minimum security prisons. For example, there is an ongoing need for effective programmes aimed at countering radicalisation for inmates who had previously been subjected to extremist indoctrination. Despite requests to do so, UNAMI/OHCHR has been unable to conduct confidential interviews with detainees as authorities do not provide private rooms.

On 3 August, UNAMI/OHCHR carried out a monitoring visit to Rusafa II prison in Baghdad. As with previous visits, despite a request to conduct confidential interviews with detainees, a suitable space was not provided and the presence of staff and other detainees rendered confidential interviews impossible. Following the visit UNAMI/OHCHR sent a report outlining its findings and recommendations. UNAMI/OHCHR observed that the prison still suffers from overcrowding and deficiencies in general infrastructure including inadequate natural light and ventilation in detention cells. The Ministry of Justice subsequently granted UNAMI/OHCHR approval to conduct monitoring visits to Adala Maximum Security detention facility on 17 October and to Karkh detention facility (former Camp Cropper) on 7 November. However, on the scheduled dates, access was not granted with no justification provided for denying access.

4.5. Women and juveniles in Detention

At the end of 2017, UNICEF reported that at least 1,036 children (1,024 boys and 12 girls) remained in juvenile detention facilities on national security-related charges, mostly for alleged association with ISIL.

In October 2017, UNAMI/ OHCHR visited the Women's Pre-trial Detention Facility in Kirkuk to assess educational and resource needs of staff. Simplified posters on the United Nations Rules on the Treatment of Women Prisoners (Bangkok Rules) were shared. UNAMI/OHCHR observed very young children with their mothers in an over-crowded dormitory-style room which did not cater for children. Requests for hygienic products, diapers, and milk were forwarded to UNICEF who arranged supplies.

With a view to building knowledge and skills related to international standards for juveniles deprived of their liberty, in July, August and October, UNAMI/ OHCHR undertook visits to the Kirkuk Pre-trial Facility for Juveniles, Kirkuk Governorate. In addition to providing introductory briefings on the United Nations Rules for the Protection of Juveniles Deprived of their Liberty to facility staff, UNAMI/ OHCHR shared material, including posters to raise awareness for staff as well as visiting the detainees.

4.6. Enforced Disappearances

UNAMI/OHCHR continued to request information from the Government of Iraq concerning the status of arrested/abducted or forcibly disappeared persons and the results of any investigations into their whereabouts. With respect to mass arrests/abductions from Sinjar, Ninewa Governorate and Saqlawia, Anbar Governorate that have previously been reported by UNAMI/OHCHR,¹⁷ no public information was disclosed by the Government of Iraq during the reporting period.

In 2017, the Parliamentary Human Rights Committee shared several thematic draft laws that aim to codify various human rights treaty obligations pertaining to ill-treatment, torture and enforced disappearances. The Anti-Torture and the Enforced Disappearance Bills address some, but not all, of Iraq's treaty obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *Convention for the Protection of All Persons from Enforced Disappearance*. On 14 August, UNAMI/OHCHR provided technical assistance to the Parliamentary Human Rights and Legal Committees with respect to both bills by highlighting their strengths as well as significant gaps between the content of the bills and Iraq's treaty obligations.

4.7. Kurdistan Region:

4.7.1. Legislative Framework

On 17 December 2017, the recently reconvened Kurdistan Region Parliament ratified the *General Amnesty Law No. 4 of 2017* (General Amnesty Law). The General Amnesty Law provides for the reduction of sentences for offenses that took place prior to its enactment. Provided that reconciliation is reached with the victims, persons who have been sentenced to death will have their sentences reduced to 15 years in prison. Some categories of convicts where reconciliation has been reached with victims may be immediately released, while the sentences of convicts where reconciliation has not been reached may be reduced by 30 or 40 percent (20 percent for drug-related crimes and sexual abuse). The General Amnesty Law specifies that it does not apply to certain categories of crime (for example, crimes relating to national security, repeat offenders, some financial crimes, and rape and torture of children, among others).

UNAMI/OHCHR notes that Article 2 of the General Amnesty Law provides that persons who have been sentenced to death may have their sentences reduced to 15 years in prison if reconciliation is reached with the families of the victims before a committee. While UNAMI/OHCHR welcomes this development, it notes with concern that, under the General Amnesty Law, the availability of a reduction in sentence depends on the personal decision of victims' families, rather than a legal decision that can be reviewed or challenged before competent judicial authorities. Moreover, reconciliation may depend on the payment of potentially large sums of money to the victims' families, meaning that persons without access to significant financial resources may not be able to benefit from these provisions. Finally, UNAMI/OHCHR notes with disappointment that the General Amnesty Law did not provide for judicial review of all convictions where defendants alleged that they were tortured or otherwise forced to confess.

¹⁷ UNAMI/OHCHR, Report on Human Rights in Iraq, July to December 2016, p 22.

The second reading of the draft law on Combating Human Trafficking in the Kurdistan Region was not scheduled in 2017 due to the impasse in the Kurdistan Region Parliament. As of December 2017, members of the Defending Women's Rights Committee of the Parliament have also advocated for the second reading of the draft law and are planning a joint meeting with the Legal Committee of the Parliament to finalize both committees' reports on the draft law.¹⁸ The draft law represents a positive development but requires amendment to bring it into line Iraq's obligations under the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*.

4.7.2. Due process

UNAMI/OHCHR remains concerned by reports of breaches in the application of the Criminal Procedure Code in the Kurdistan Region, in particular in proceedings relating to terrorism charges under the *Kurdistan Region Anti-Terrorism Law No. 3 of 2006*, including long delays in bringing detainees before a judge, restrictions on or denial of access to legal counsel, or prolonged periods of detention without trial. While the *Anti-Terrorism Law No. 3 of 2006* expired on 18 July 2016, it is still applied to crimes that allegedly took place before that date, including the majority of crimes committed by ISIL. Crimes that allegedly took place after 18 July 2016 are prosecuted under the Iraqi Penal Code, as amended to apply in the Kurdistan Region.

UNAMI/OHCHR has observed that the Kurdistan Region criminal justice system still largely relies on confessions to secure convictions. There remains a general perception that confessions are the ultimate form of evidence, which once obtained means that forensic and other types of evidence to establish the guilt of an accused person are deemed as unnecessary. UNAMI/OHCHR continues to raise these concerns with the Task Force on the Rule of Law and Justice under the auspices of the High Committee to Evaluate and Respond to International Reports and assistance of UNAMI. In its first year, the Task Force has increased the level of communication between UNAMI/OHCHR and the Kurdistan Regional Government on these issues. However, UNAMI/OHCHR looks forward to greater engagement by the Task Force on human rights issues of concern raised by UNAMI/OHCHR, such as individual cases of concern and criminal justice matters.

UNAMI/OHCHR also continues to follow the case of Mr. Ahmad Walid Younis, whose continued detention has been qualified as arbitrary by the Opinion of the Working Group on Arbitrary Detention dated 27 April 2016. UNAMI/OHCHR has repeatedly requested access to Mr. Younis. The relevant authorities have not responded positively to these requests.¹⁹

4.7.3. Ill-Treatment and Torture

UNAMI/OHCHR remains concerned by allegations that detainees are subjected to torture and/or other ill-treatment during the interrogation phase in order to force them to make confessions. UNAMI/OHCHR has previously noted that detainees are reluctant to report torture and/or other ill-treatment for fear of reprisals or difficulties in their legal procedures. It appears that there is no uniform

¹⁸ The first reading took place in April 2015.

¹⁹ Mr. Ahmad Walid Younis was arrested in 2000 and kept in detention without charge or trial for nearly ten years, including several months of solitary confinement. In August 2010, he was officially charged under the Kurdistan Region Anti-Terrorism Law with "sending orders and instructions from prison" and convicted. Mr. Younis was due for release in March 2015, but he remains in detention. On 27 April 2016, the United Nations Working Group on Arbitrary Detention adopted an Opinion on the case of Mr. Younis noting that the deprivation of his liberty is arbitrary and requested the Government of Iraq to immediately release him and provide him with full reparation.

and effective policy in place to deal with allegations of torture and other ill-treatment raised by defendants before courts in the Kurdistan Region.

4.7.4. Detention

According to data provided by the relevant authorities, the total number of detainees and prisoners held in the Kurdistan Region at the end of December 2017 was 5,898. Of these, 2,630 were detainees and 3,268 were convicts, including 3,023 men, 95 women and 150 juveniles.²⁰ As of September 2017, a total of 2,652 individuals had been arrested and detained by Kurdistan Region authorities since 2015 under anti-terrorism laws on suspicion of supporting ISIL. Of these, 1,110 have been found guilty on terrorism charges and 870 have been released.²¹

4.7.5. Women and Juveniles in detention

UNAMI/OHCHR continues to advocate for juveniles held with adults to be immediately transferred to the Kurdistan Region Ministry of Labour and Social Affairs juvenile reformatory as the practice of holding them alongside adults in detention is contrary to international human rights law, in particular the Convention on the Rights of the Child²² and ICCPR.²³

4.7.6. Death Penalty

As noted in previous reports, on two occasions in 2015 and 2016 the Kurdistan Regional Government breached its de facto moratorium on the death penalty that has been in place since 2008. The de facto moratorium is based on an instruction from former Kurdistan Region President Masoud Barzani, indicating that death sentence warrants are not to be processed. UNAMI/OHCHR is not aware of any executions taking place in the reporting period in the Kurdistan Region.

5. The Rights of Women

Women in Iraq continue to face many challenges including discrimination, which adversely impacts on their ability to fully and equally participate in the political, social and economic life of the country.

5.1. Legal and Policy Framework

Combating crimes of violence committed against women and children remains problematic because, despite consistent calls for this provision to be removed, Article 409 of the *Iraqi Penal Code No. 111 of 1969* continues to permit “honour” as mitigation for crimes of violence committed against family members. There is also reluctance among law enforcement agencies to effectively, promptly, thoroughly, independently and impartially investigate such crimes or to hold perpetrators accountable as in many cases these issues are considered to be internal to the family and not the responsibility of law enforcement to address.

The National Strategy to Eliminate Violence against Women (2013-2017) remained under-implemented, particularly with regard to the passing of legislation (see Draft Family Protection Law).

²⁰ UNAMI/OHCHR obtained the official figures from the Ministry of the Interior and the Ministry of Labour and Social Affairs. UNAMI/OHCHR calculated the relevant number for Asayish detainees on the basis of data obtained through its visits to Asayish detention centres.

²¹ Kurdistan Region High Committee to Evaluate and Respond to International Reports, 14 September 2017

²² Convention on the Rights of the Child, Article 37 (c).

²³ ICCPR, Article 10 (b).

Civil society organizations continued to call for its implementation alongside other existing frameworks.

As described below, the draft Family Protection Law remains stalled before the Council of Representatives for over five years and many of its provisions do not comply with international standards.²⁴

5.2. Violence against Women

UNAMI/OHCHR continues to work with partners in civil society and the Council of Representatives to advocate for the passage of a revised draft Family Protection Law that includes measures to prevent sexual and gender-based violence and protection to survivors of SGBV, as well as one that ensures accountability of perpetrators of violence in compliance with international standards, including the *Convention on the Elimination of All Forms of Discrimination against Women* and other international laws that safeguard women's rights. Unfortunately, the draft Family Protection Law has remained stalled before the Council of Representatives for more than five years due to differing amongst members of the Council of Representatives regarding how to best protect the family. Moreover, in its current iteration, the draft law is designed to protect the family as a whole, rather than the victim of domestic violence. Many provisions in the draft Family Protection Law must be amended to ensure compliance with international standards.

In September 2017, UNAMI/OHCHR, together with civil society, NGOs, and parliamentarians advocated with senior leadership in the Government of Iraq and members of the Council of Representatives to ensure that in its deliberations on suggested amendments to the Iraqi Personal Status Law of 1959, it considers Iraq's obligations under international human rights laws, including the *Convention on the Elimination of Discrimination Against Women*. This follows the submission to the Council of Representatives in January 2017 of suggested amendments to the Personal Status Law of 1959, some of which will impinge upon the rights of women and children if passed, for example, by lowering the age of marriage thereby permitting the marriage of minors. A similar unsuccessful attempt to amend the Personal Status Law was made in 2014.

UNAMI/OHCHR also continues to receive reports of women and girls being murdered in so-called 'honour crimes'. For example, on 5 July, a woman was shot and killed by a relative in Tahmaziya, Bagil Governorate, and on 5 September the head of an unidentified girl was found in Saba, Thi-Qar Governorate. Additionally, on 29 October, the body of a female in her twenties was found in front of a hospital in the center of Basra Governorate. The body bore multiple bullet wounds. According to the Family and Children Protection Unit within the Ministry of the Interior, during 2017 there were 272 cases of so called 'honour crimes' that were reported to the Police and referred to the courts. This is an increase from 2016, when the same Unit recorded 224 cases that were reported to the Police. Additionally, there were approximately 3,400 domestic violence cases reported to the Police in 2017 and 3,200 in 2016.

5.3. Shelters

UNAMI/OHCHR continued to monitor and advocate for shelters for women who are subjected to domestic and sexual violence. However, there continues to be limited funding or resources to publicly

²⁴ Please see UNAMI/OHCHR Human Rights Report for January to June 2017 on provisions in the draft Family Protection Law that do not comply with international standards.

http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=2503_253b0775f00450cb43e23c97eda20737&Itemid=650&lang=en

fund shelters for women across Iraq. Further, as described above, Iraqi women have insufficient legal protection mechanisms to safeguard them from domestic violence.

As part of the draft Family Protection Law, UNAMI/OHCHR has emphasised that the government should allow civil society organizations with recognized expertise to establish and run not-for-profit shelters, subject to government licensing and supervision. To date, some Iraqi civil society/not-for-profit organisations are running shelters without government support, relying on private funding and depending on a handful of dedicated volunteers to serve a growing number of women fleeing violence. There are now some shelters in Kirkuk to provide protection for women from Hawija and small initiatives to aid women who have fled ISIL. In Basra, a shelter offers refuge to the victims of sex trafficking who were unjustly incarcerated as “prostitutes” and threatened with so called “honour killings” by their own families after their release.

On 28 October 2017, an armed group comprising of about 50 persons, allegedly including some from the Iraqi Security Forces, attacked the Iraqi Women and Freedom Organization’s (OWFI)—a local Iraqi NGO promoting the protection of women’s rights and offering shelter to women—headquarters in Al Saadoon in Baghdad. The group abducted a male staff member of the organization and demanded the release of a 20-year old woman who had sought shelter with the organization, allegedly running away from domestic violence, in exchange for the staff member. The staff member was released after about an hour following the release of the woman, whose fate remains unknown. The group, notwithstanding that they had no search warrant, searched OWFI premises before abducting the staff member. The woman’s father was allegedly in the company of the group.

5.4. *Kurdistan Region:*

5.4.1. *Legal and Policy Framework*

A draft amendment to the *Law for Combatting Domestic Violence No.8 of 2011* was submitted to the Kurdistan Region Parliament in September 2015. However, no substantive action was taken in 2017 with respect to the amendment due to the deadlock in the Parliament. On 4 December 2017, members of the Defending Women’s Rights Committee in the Parliament submitted a request to the Speaker of the Kurdistan Region Parliament to prioritize scheduling the first reading of the draft amendment.²⁵ The draft amendment would strengthen the current law by including a robust definition of acts of domestic violence, and increasing the penalties and punishments for these crimes. UNAMI/OHCHR, in coordination with civil society actors and duty bearers, is providing comments to ensure that the draft amendment is strengthened in accordance with international human rights law, in particular with respect to penalties and in relation to requirements for marital “reconciliation.”

5.4.2. *Violence against Women*

The Kurdistan Region General Directorate of Combating Violence Against Women (GDCVAW) regularly releases VAW statistics on its website. In 2017, the GDCVAW recorded 9,693 cases of VAW across the six Directorates of Combating Violence Against Women (Erbil, Sulaymaniyah, Dohuk, Raparin, Garmian, and Soran). This figure includes 127 cases of killing and suicide, 326 cases of burning and self-immolation, 9,105 cases of verbal or physical abuse, and 135 cases of sexual violence. Compared to the previous year, there is a notable increase in the number of cases from 2016 (7,123) to

²⁵ A request has been submitted by members of Women Committee to the Parliament Speaker and UNAMI/OHCHR.

http://www.kurdistan-parliament.org/Default.aspx?page=byyear_comments&c=projayasa2013&id=2017

2017 (9,693).³ It is not known whether this increase represents an increase in the incidence of VAW or rather an increase in reporting.

For the first time, the GDCVAW has also published statistics on VAW cases submitted to a reconciliation committee during the first ten months of 2017. The total number of cases submitted for reconciliation was 658, of which 171 cases were reconciled to the satisfaction of both parties. Of the remainder, 456 were not reconciled and 31 cases were referred for further action by the courts.⁴

5.4.3. Shelters

The GDCVAW has released the total number of women accommodated in all women's shelters in the Kurdistan Region from January to October 2017, covering Erbil, Sulaymaniyah, Dohuk and Garmian. Of 662 women who entered shelters in this period, 276 remained in the shelter at the end of the reporting period while 421 have departed, indicating either that a guardian has guaranteed their safety or their problems were considered resolved.²⁶

As of late 2017, a by-law drafted by the Kurdistan Region Ministry of Labour and Social Affairs that defines the role of relevant government ministries in relation to women's shelters was still pending approval by the Kurdistan Region Council of Ministers. The by-law is intended to supplement the implementation of the Shelter for Women under Threat Instruction No. 2 of 2014, which sets out the minimum standards for the establishment and management of all women's shelters in the Kurdistan Region. UNAMI/OHCHR understands that the Legal Board of the Ministry intends to examine and possibly amend the Instruction in the near future.²⁷

With the continuing financial crisis in the Kurdistan Region, all women's shelters have raised concerns to UNAMI/OHCHR that the Ministry of Labour and Social Affairs has only allocated enough funding to cover food but no other needs. For example, both shelters in Erbil and Dohuk lack doctors in their medical units, despite raising the issue with the Ministry of Health. The shelter in Sulaymaniyah does have doctors. NGOs and various UN agencies have provided shelters with legal aid services, clothes, maintenance, furniture, and generators. During 2017, NGOs funded by UN agencies provided two vocational trainings on sewing and weaving for women survivors accommodated in the shelters.²⁸

6. Rights of ethnic and religious groups

Diverse ethnic and religious communities in Iraq continue to face substantial challenges, which threaten their security and undermine their full enjoyment of political and social rights. On 16 November, a prominent Iraqi minority rights advocate received a written threat slipped under his door at his office in Karrada neighbourhood, Baghdad. The message, written allegedly by an unidentified armed group, ordered the victim to stop his work or his family would be in danger. This reportedly is one of many letters the victim has received threatening him to stop his work.

UNAMI/OHCHR continues to monitor challenges faced by the Yezidi community. As noted in previous reports, the Yezidi community has been subjected to gross human rights abuses and widespread violations of international humanitarian law, especially during and since the Sinjar crisis in August 2014.²⁹ The Directorate of Yezidi Affairs within the Kurdistan Region Ministry of Endowment

²⁶ Published on GDCVAW official website: <http://www.bgtakrg.org/>

²⁷ UNAMI/OHCHR spoke by phone with a member of the Legal Board of Ministry of Labour and Social Affairs.

²⁸ UNAMI/OHCHR contacted managers of all shelters in the preparation of this report.

²⁹ See OHCHR, A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL, http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf

and Religious Affairs maintains statistics on the Yezidi community. As of 17 January 2018, the Directorate reported that some 360,000 Yezidi people had been displaced since August 2014, out of a total population of 550,000. In the first days of the Sinjar crisis, 1,293 people were reported killed. There are currently 2,745 Yezidi children who have lost one or both parents. From the beginning of the crisis, 6,417 people have been abducted, of which 3,547 are women and 2,870 are men. While many of these abductees have been liberated, 3,158 (1,472 women and 1,686 men) remain in captivity at the time of reporting.³⁰

UNAMI/OHCHR continued to advocate for and provide technical support to legislative reform on minority rights issues. In August and September, UNAMI/OHCHR advocated with the Council of Representatives' Speaker and Human Rights Committee in regard to the latter coming up with a revised draft Law on the Protection of Diversity and the Prevention of Discrimination (the Anti-Discrimination Bill) incorporating the views received from various actors, including civil society actors in April 2017,³¹ and for the Speaker to support the reading of the bill in the Council of Representatives before the end of term in 2018. In October 2017, the Human Rights Committee came up with a revised Anti-Discrimination Bill that it hoped the Council of Representatives would consider for a second reading before the end of 2017. As of 31 December 2017, the Human Rights Committee has not submitted the revised Anti-Discrimination Bill for a second reading due to some changes the Committee wishes to consider. UNAMI/OHCHR continues to engage with relevant Iraqi civil society groups and the Government of Iraq regarding the final text of the Anti-Discrimination Bill to ensure that it is consistent with international standards.

6.1. Kurdistan Region

UNAMI/OHCHR has highlighted the importance of education for children and youth as part of post-conflict reconstruction by continuing to promote a human rights education plan submitted to the Kurdistan Region Ministry of Education that consists of curriculum reforms and capacity building for teachers and instructors, in particular in relation to studies in the humanities, with a view to integrating definitions of all religions that are officially recognized in the Kurdistan Region. In addition, during the reporting period UNAMI/OHCHR held a series of specialized training courses on human rights education for secondary school teachers in Erbil and Dohuk governorates and the Kalar area (held in Sulaymaniyah Governorate).

UNAMI/OHCHR remains concerned that the *Law of Protection of the Rights of the Components of the Kurdistan Region No. 5 of 2015* does not criminalize acts such as inciting or committing hate crimes against members of ethnic and religious communities, and does not establish a mechanism or body to ensure implementation of the rights specifically protected by the Law.

Since 2013, UNAMI/OHCHR has monitored allegations of land grabbing/encroachment of lands belonging to members of the Assyrian community in Dohuk Governorate. After assessing the scope and nature of such allegations, UNAMI/OHCHR considers that land disputes in Dohuk are a major obstacle to stability and trust among communities in the area. To address these issues, UNAMI/OHCHR launched a pilot project in October 2017 to collect documents and conduct surveys and group discussions with the communities concerned, with a view to formulating recommendations that would

³⁰ Report of the General Directorate of Yezidi Affairs, Ministry of Endowment and Religious Affairs of the Kurdistan Region, 17 January 2018.

³¹ See Report on Human Rights In Iraq – January to June 2017: http://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en

lead to settling such disputes in a formal or informal manner. Research on this project was completed in December 2017 and analysis is ongoing.

6.2. Sexual minorities/LGBTI

Members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community continue to face severe discrimination, threats, physical attacks, kidnappings, and in some cases, killings due to their actual or perceived sexual orientation or gender identity. Throughout the reporting period, UNAMI/OHCHR monitored the situation of the LGBTI community and engaged with the Government of Iraq to promote the protection of LGBTI rights and to investigate incidents of violence against the community.

On 3 July, the body of a famous male Iraqi actor was found by Iraqi police in a dumpster in Palestine Street neighbourhood, Baghdad, after the actor allegedly went missing on 2 July. The body bore signs of torture, including removed finger nails and stab wounds. The victim had allegedly previously received threats from an unknown group for his looks and was killed reportedly for his perceived sexual orientation. On 4 July, the President of Iraq issued a press statement condemning the killing and calling for the Iraqi police to conduct an investigation into the crime and bring those responsible to justice.

7. Rights of Persons with Disabilities

Persons with disabilities in Iraq continue to face significant challenges, including social, economic, and political discrimination, all of which are detrimental to the full enjoyment of their rights as Iraqi citizens. To address this, UNAMI/OHCHR continued to engage with disability rights civil society organizations and the Government of Iraq to promote respect for and protection of the rights of persons with disabilities in two key areas: 1) ensuring State compliance with the *Convention on the Rights of Persons with Disabilities* (CRPD) and other relevant international instruments; and 2) advocating for an independent Commission to ensure compliance with the provisions of the CRPD.

In addition to lacking adequate opportunities and protection, persons with disabilities continue to face a wide array of societal discrimination. The prevailing perception among the public is to treat persons with disabilities as charity rather than as productive members of society. This often leads to isolation of persons with disabilities and exacerbates negative psychological effects. The Government of Iraq ratified CRPD³² in January 2012, and adopted the *Law No. 38 of 2013 on the Care of Persons with Disabilities and Special Needs*,³³ which establishes a Commission to promote the respect for and protection of the rights of persons with disabilities. To date, the Government has not implemented appropriate measures as required by Article 33 of the CPRD.³⁴ At a minimum, the Government should guarantee protection of and respect for the rights of persons with disabilities and address discrimination and other obstacles to their well-being.

Problematically, the Commission as recognised by the Law continues to operate under the fiscal and administrative authority of the Ministry of Labour and Social Affairs and does not have the impartiality

³² See UN News Centre ‘UN welcomes Iraqi ratification of pact on rights of persons with disabilities’ at <http://www.un.org/apps/news/story.asp?NewsID=41081#.WWdhN4SGPeY> [accessed on 30 June 2017].

³³ See International Labour Organization <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96874/114689/F18984083/96874.pdf> [accessed on 30 June 2017].

³⁴ Article 33 requires state parties to put in place structures for the implementation and monitoring of the Convention at the national level. This includes: designating focal points and, if required, coordination mechanisms; designating or establishing independent mechanisms, and; guaranteeing the participation of civil society.

required by Article 33 of the CPRD. Perhaps more concerning is the lack of representation on the Commission of people with disabilities.

7.1. Kurdistan Region

On 19 April 2016, the Kurdistan Region Ministry of Labour and Social Affairs issued instructions in accordance with the *Law on the Rights and Privileges of Persons with Disabilities and Those with Special Needs No. 22 of 2011* to provide guidance on who is entitled to receive benefits based on disability. In December 2017, Ministry officials informed UNAMI/OHCHR that 121,000 people had registered as disabled over the last four years. After medical checks, 107,000 people were confirmed as eligible for disability benefits.³⁵ The Ministry has established a database for registering people with disabilities in the Kurdistan Region that is expected to be activated in early 2018.³⁶ An amendment proposed by a number of NGOs to strengthen the Law had its first reading in the Kurdistan Region Parliament on 23 December 2014. However, due to the impasse in the Parliament, no further reading of the amendment was scheduled in 2017.

8. Freedom of opinion and expression, and freedom of peaceful assembly/association

There continued to be significant challenges to freedom of opinion and expression, as well as freedom of association and assembly. Journalists and media professionals were intimidated and in some cases abducted while carrying out their duties. UNAMI/OHCHR received reports that media professionals and protestors were allegedly subjected to attacks by armed groups and unidentified perpetrators, while working or reporting on or participating in demonstrations. For example, on 10 August, a journalist was allegedly abducted in al-Ramadi city center of Anbar Governorate by an unknown group. The group demanded his family to provide a ransom for his release. The case is under investigation at the Ministry of Interior. On 8 September, a famous playwright was threatened with death on an online social media site following his making comments on the site criticizing the presence of pictures of an Iranian religious leader on the streets of Amarah city in Mayasan Governorate. Prior to the posting of the online threats, there were gunshots in front of his house on 7 September. The alleged perpetrators are unknown. Additionally, on 23 October, a prominent Iraqi writer and journalist was abducted in Baghdad by an unknown armed group. The journalist had previously written articles critical of Government operations in Kirkuk and of the Prime Minister. The journalist was later released on 12 December.

UNAMI/OHCHR continued to advocate for amendments to bring the draft Law on Freedom of Expression, Assembly and Peaceful Protest into compliance with international legal standards that are binding on Iraq, sharing recommendations with the Speaker of the Council of Representatives, the heads of the parliamentary political blocs, and the parliamentary committees.³⁷ In 2017, voting on the Freedom of Expression Bill was scheduled for 15 May, but was indefinitely postponed due to disagreements within the Council and civil society protests over Article 7. In September 2017, the Speaker informed UNAMI/ OHCHR that voting on the Freedom of Expression Bill was unlikely to

³⁵ UNAMI/OHCHR spoke with an Advisor in the Ministry of Labour and Social Affairs.

³⁶ *Ibid.*

³⁷ On 16 May 2011, the Freedom of Expression Bill was presented to the Council of Representatives for review. The Council debated the Freedom of Expression Bill on 20 October 2014, 27 August 2015 and 11 August 2016. The Council of Representatives was set to vote on the Freedom of Expression Bill on 11 August 2016, however, due to advocacy conducted by civil society organisations, UNAMI/ OHCHR, members of the International Community, and political blocs of the Council of Representatives, voting was deferred. On 14 August 2016, the Council's Human Rights Committee convened a consultative meeting attended by representatives of civil society organisations where a number of key amendments to the Freedom of Expression Bill were proposed for consideration.

take place due to disagreements within the Council on the text of the Bill, civil society protests against the Bill and the fact that the Council was making preparations for elections scheduled for 2018. Up to December 2017, voting on the Freedom of Expression Bill had not taken place.

8.1. Kurdistan Region

UNAMI/OHCHR continues to receive reports of intimidation of a number of media professionals and limitations on the operation of media channels in the Kurdistan Region. Local journalism advocacy organizations have reported significant spikes in violence and harassment against journalists and media organizations in 2017, in particular in the period leading up to the September 25 referendum, around the 16 October repositioning of forces in disputed areas, and in connection with protests in December.

The Kurdistan Journalists Syndicate reported 137 cases of violations against 230 journalists in 2017, compared to 45 cases against 80 journalists in 2016.³⁸ The Metro Center for Journalists Rights and Advocacy, an NGO, reported even greater numbers: 419 violations against 338 journalists in 2017 in the Kurdistan Region, including six deaths, two of which were alleged assassinations, seven incidents of looting and burning media offices, and five times media offices were closed by officials or as a result of violence.

On 19 December, according to several reports, approximately 500 people staged a demonstration in Ranya district of Sulaymaniyah Governorate, demanding a change of Government, payment of salaries of Government employees, and for corruption and service delivery including electricity to be addressed. The reports indicate that two individuals were killed and 85 others, including 40 security personnel, were wounded when the demonstrations turned violent. Both sides engaged in stone throwing and use of small fire arms according to the reports. Kurdistan Region Security Forces arrested 200 individuals in various locations in the governorate and released them without charge by 31 December. In addition, the Kurdish Security Forces arrested three other individuals. On 19 December, Shaswar Abdulwahid Qadir, the former owner of Nalia Radio and Television and founder of the new political party New Generation Movement, was arrested on arrival at Sulaymaniyah airport on charges of inciting destruction of public property. He was released on 27 December after posting bail. On 20 December, journalist Sarkawt Shamsadin, head of the Nalia Radio and Television office in Washington D.C., was detained for one day by Asayish in Sulaymaniyah. Rabun Maaruf, a political leader, formerly with the opposition Gorran party, who recently joined the New Generation Movement, was arrested on 19 December in Sulaymaniyah. He was charged with inciting violence, and later released on bail.

On 19 December, the Kurdistan Region Ministry of Culture ordered the suspension for one week of the Kurdish and Arabic channels of NRT, on the allegation that these broadcasts were inciting violence.³⁹ The NRT offices in Sulaymaniyah were raided and NRT staff were arrested. The order was extended by one week on 26 December, but an instruction by Kurdistan Region Deputy Prime Minister Qubad Talabani allowed broadcasts to resume on 27 December.⁴⁰ UNAMI/OHCHR notes that the Kurdistan Regional Government authorities also shut down NRT's terrestrial broadcasts in the Erbil region for one week in the lead-up to the 25 September referendum, in connection with NRT's broadcast of paid advertising from the "No for Now" campaign opposing the referendum.⁴¹

³⁸ Annual report of Kurdistan Journalists Syndicate of 2017, <http://www.kurdjs.com/index.php/ar.html>

³⁹ KRG extends NRT closure for a week citing public order, irregularities, Rudaw, 26 December 2017, <http://www.rudaw.net/english/kurdistan/261220176>;

⁴⁰ KRG Deputy PM Talabani revokes ministry decision to close NRT media, Rudaw, 27 December 2017, <http://www.rudaw.net/english/kurdistan/271220171>

⁴¹ Confirmed by UNAMI/OHCHR in meetings with NRT management.

Freedom of expression in the Kurdistan Region is underpinned by the *Journalism Law No. 35 of 2007*, among other laws.⁴² The Journalism Law establishes the role of the Kurdistan Journalists Syndicate in the accreditation of journalists and provides for certain protections and immunities for journalists in their work.⁴³ In consultation with media and government actors, it has been noted that the mandate of the Syndicate in the Journalism Law is narrow application and only applies to print media. This means that journalists working in other media (especially electronic media) are neither protected by the law nor subject to its ethical standards for responsible journalism. As a temporary measure, the Kurdistan Region Shura Council has issued a “Decision to authorize Kurdistan Journalism Syndicate for registering Electronic Newspapers” on 14 February 2017. UNAMI/OHCHR is developing a project to advise on the possible amendment of the law to bring it fully in line with international standards.

9. Interference in the work of International Non-Governmental Organizations

On 12 December 2017, the Governorate of Kirkuk’s High Humanitarian Affairs Committee (HHAC) disseminated a letter signed by the Acting Governor and addressed to the Organization for the Coordination of Humanitarian Affairs (OCHA) for the attention of international non-governmental organizations (INGOs) operating in Kirkuk Governorate. The letter instructed international organizations to review the ethnic composition of their staff and ensure a quota of 30% Arab, 30% Kurdish, 30% Turkmen and 10% Christian. The letter was accompanied by a memorandum signed by twelve Kirkuk Provincial Council members representing Arab and Turkmen communities. The memorandum described concerns about alleged pro-Kurdish biases, such as in recruitment practiced by international organizations and proposed the quotas outlined in the Acting Governor’s letter. A deadline of 25 January 2018 was given, after which time those organizations that did not comply would no longer be able to carry out activities in Kirkuk. The 25 January deadline passed and to date no actions have been taken by HHAC to enforce the terms.

10. Capacity Development Activities

During the reporting period, UNAMI/OHCHR conducted 26 capacity building trainings and promotional activities in eight governorates⁴⁴ of Iraq, including in the Kurdistan Region, aimed at promoting the protection of human rights. In total, 911 persons (527 male and 384 female) directly benefited from the capacity building trainings and promotional activities. Participants were drawn from various groups, including: human rights activists; journalists; staff members of the Iraqi and Kurdistan Region’s National Human Rights Institutions (Iraqi High Commission for Human Rights (IHCHR) and the Independent Board of Human Rights (IBHR), respectively); officials from various Government of Iraq and Kurdistan Regional Government’s ministries and departments, including law enforcement officials and teachers; persons with disabilities; youth leaders; members of Iraq’s diverse ethnic, religious and linguistic communities; women’s rights activists and academics.

Throughout the reporting period, UNAMI/OHCHR distributed OHCHR promotional materials, including booklets of the nine core international human rights treaties in the Kurdish Language, to

⁴² Other applicable laws and by-laws include the Access to Information Law No. 11 of 2013, Publication Law No. 10 of 1993, KRG Regulations for facilitating the implementation of Access to Information Law No. 11 of 2013, KRG Ministry of Culture Regulation for organizing the work of TVs and Radios in Kurdistan Region, Kurdistan Journalist’s Retirement Law No. 13 of 2001, Code of Ethics of the International Federation of Journalists, and Kurdistan Journalists Syndicate Law No. 40 of 2004 as amended.

⁴³For example, Article 7 stipulates that any intimidation or attack against a journalist shall be punished. Article 8 states that no arrest or interrogation shall be made of any journalist, nor his/her work premises or private residence searched without a court decision.

⁴⁴Baghdad, Basra, Muthana, Erbil, Dohuk, Diyala, Sulimaniyah and Kirkuk.

various partners, amongst them, civil society organisations, government bodies and academics. As of 31 December 2017, UNAMI/OHCHR has distributed a total of 6,350 booklets of the nine core international human rights treaties in the Kurdish Language. UNAMI finished translating and started distributing the booklets in December 2016.

On 18 July, UNAMI/OHCHR, in collaboration with the Ministry of Justice, organized a consultative meeting to follow up on the implementation of Iraq's National Action Plan (NAP) to implement Iraq's Universal Periodic Review recommendations. The meeting assigned roles and responsibilities to stakeholders in the implementation of the recommendations. Forty-five representatives (33 men and 12 women), including from: Ministry of Justice; Ministry of Foreign Affairs; Ministry of Interior; Ministry of Migration and Displacement; The Council of Representatives; IHCHR; civil society organisations and from; ethnic, religious and linguistic communities, participated in the consultation. UNAMI/OHCHR and the United Nations Office of Project Services are observers in the National Committee coordinating and overseeing the implementation of the recommendations.

From 30-31 July 2017, UNAMI/OHCHR participated in workshops on conflict-related sexual violence for 49 (24 women and 25 men) officials from the Kurdistan Regional Government and supported the UNAMI Senior Women Protection Advisor in training members of the Monitoring, Analysis and Reporting Arrangements (MARA) Working Group established in August 2017 to provide information on CRSV. UNAMI/OHCHR is a member of the MARA Working Group.

On 23 November, UNAMI/OHCHR organized an expert meeting in Baghdad to discuss the proposed law on 'the Establishment of the National Specialized Court on the Most Serious Crimes in Iraq'. Twenty-nine participants (22 men and seven women) took part in the meeting including members of the Council of Representatives, the judiciary, representatives of civil society organizations and UN experts. The meeting solicited comments on the proposed law which will be delivered to senior leadership in the Government, parliamentarians, including members of the Parliamentary Human Rights Committee, and members of civil society for their consideration.

From 27 to 30 November, UNAMI/OHCHR facilitated the participation of 17 (five women and 12 men) representatives from 17 Iraqi NGOs, including from the Kurdistan Region, in a study tour to Amman and Geneva. The tour enhanced the participants' understanding on how NGOs can work with UN human rights bodies as well as how they can gain consultative status with the Economic and Social Council (ECOSOC), amongst other issues.

On 10 December, UNAMI/OHCHR marked International Human Rights Day by conducting an online social media campaign advocating for the promotion and protection of human rights in Iraq under the theme, 'Stand up for your rights and those of others'. UNAMI/OHCHR also conducted commemorative events in Basra and Erbil governorates on 10 December, and in Dohuk Governorate on 12 December. In Erbil, a seminar attended by 283 students (148 male and 135 female) and professors from the Colleges of Law and International Relations at Cihan University, was organized in collaboration with the university. A similar seminar was held at Dohuk University that was attended by 187 students (98 male and 89 female). In Basra, a public event attended by 100 people (40 men and 60 women), representing, amongst others, government officials, civil society organisations and UN agencies, was conducted.

10.1. National Human Rights Institutions and UPR Action Plans

10.1.1. Support to the Iraqi High Commission for Human Rights

On 6 July, the Committee of Experts tasked with selecting a new batch of commissioners for the Iraqi High Commission for Human Rights (IHCHR), selected fifteen members (twelve regular and three

reserves) to form the new Board of Commissioners. On 20 July, the Council of Representatives confirmed the selection of the candidates. UNAMI/OHCHR did not participate in the process based on its decision taken on 12 March. Following this decision, civil society representatives also announced their withdrawal from the Committee on 10 July as a protest over the selection process. On 11 July, the civil society representatives lodged a complaint before the Parliamentary Civil Society Committee on alleged political interference in the selection process. It is believed that because of this complaint, the voting on the selected candidates had been postponed until 20 July in the Council of Representatives.

On 21 December, the President of Iraq, through a Presidential decree, appointed the President and the Deputy President of the Board of Commissioners of the IHCHR. UNAMI/OHCHR considers this to be a positive step and a significant departure from the last Board of Commissioners, who during their four year tenure failed to select a President. UNAMI/OHCHR continues to support the IHCHR by providing technical assistance to the Parliamentary Committee tasked with re-organizing the IHCHR's Secretariat. For this purpose, an international consultant was engaged in collaboration with the United Nations Office of Project Services (UNOPS) in order to assess the structure of the IHCHR's secretariat with a view to develop recommendations to increase its capacity and efficiency in order to deliver on its mandate. The report was finalised and submitted to the IHCHR.

10.1.2. UPR Action Plans

The Council of Ministers issued Order Number 163, dated 25 May 2017, which established the National Committee for Coordination and Follow up to Monitor the Implementation of the UPR recommendations accepted by Iraq. The Committee held its first meeting on 28 August. The Council of Ministers also assigned the observer status to the UN (UNAMI/OHCHR and UNOPS). Representatives from various governmental entities, ministries, IHCHR, civil society organizations and a representative from the Kurdistan Region Ministry of Justice attended the meeting. The members of the Committee reviewed the National Action Plan (NAP) and sent it to the Council of Ministers for approval. Until the time of writing this report, the revised plan has not yet been approved by the Council of Ministers.

10.1.3. Support provided to the Special Procedures

The United Nations Special Rapporteur on Extra-judicial, Summary and Arbitrary Executions Ms. Agnes Callamard visited Iraq from 12 to 24 November. The Special Rapporteur held 36 meetings in Baghdad, Najaf and Falluja city with high level Iraqi officials, representatives of international and local NGO's, family members of alleged victims of arbitrary executions, prominent clerics, members of the Council of Representatives and with the UNCT. On 23 November, the Special Rapporteur shared her preliminary findings during a press conference held in Baghdad.

The Special Rapporteur highlighted a range of issues and preliminary observations including in regard to the pressing management of mass graves, the plight of families of victims of disappearance, the role of religious and tribal leaders in the transition phase, accountability and the role of the international community.

10.2. Kurdistan Region:

10.2.1. UPR Action Plans

In the Kurdistan Region, a Steering Committee, co-chaired by the Kurdistan Regional Government and the Independent Board of Human Rights (IBHR) and including representatives of civil society, developed in late 2016 a regional human rights action plan (RHRPA) for the implementation of the UPR recommendations relevant to the Kurdistan Region. UNAMI/OHCHR provided technical

assistance to support and facilitate this process. The draft RHRPA prepared by the Steering Committee was not endorsed by Kurdistan Regional Government during 2017 but was approved in January 2018.