

HUMAN RIGHTS WATCH

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Protocol Department
Ministry of Foreign Affairs
Baghdad,
Iraq

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Dangers to Prisoners, Detainees and Staff Amidst COVID-19 Pandemic

To Whom It May Concern,

We write to urge Mustafa Al-Kadhimi's newly formed government to take urgent steps to significantly reduce the number of prisoners in prisons, jails, and other places of detention in Iraq, to limit the spread of Covid-19 in the country.

We write with a sense of urgency because the risk of COVID-19 outbreaks are particularly high in prisons and other places of detention where many people are housed close together and where "social distancing" is difficult, and in many cases impossible. (Please note that we use the term "prisoners" in this letter to refer to prisoners and all other detainees; we use the term "prisons" to refer to prisons, jails, and all other places of detention.)

For years, Human Rights Watch has documented acute overcrowding in Iraqi prisons, in extremely unsanitary conditions.¹ We note media reports alleging that authorities have released 20,000 prisoners as a preventative measure, but as far as we are aware, the government has not released any information on which prisoners were selected for release and the criteria for their selection.²

We would like to ask that you share with us:

- A list of the categories of prisoners that were included in releases as a measure to prevent the spread of Covid-19 disaggregated, if available, by age, gender, disability, health status, or other demographic breakdowns;
- The number of prisoners released under each category including details on the number of people who were detained for breaking curfew and were subsequently released.

We have repeatedly asked Iraqi authorities over the past four years to share or make public the total number of people in Iraqi prisons. So far, authorities have refused to do so, making it impossible to assess whether the releases thus far have had a significant enough impact on the acute overcrowding to allow those remaining to practice social distancing effectively.

¹ "Iraq: Thousands Detained, Including Children, in Degrading Conditions," HRW news release, July 4, 2019, <https://www.hrw.org/news/2019/07/04/iraq-thousands-detained-including-children-degrading-conditions>; "Iraq: Hundreds Detained in Degrading Conditions," HRW news release, March 13, 2017, <https://www.hrw.org/news/2017/03/13/iraq-hundreds-detained-degrading-conditions>.

² "Iraq releases 20,000 prisoners amid fears of spread of coronavirus," *Middle East Monitor*, April 24, 2020, <https://www.middleeastmonitor.com/20200424-iraq-releases-20000-prisoners-amid-fears-of-spread-of-coronavirus/> (accessed May 12, 2020).

We therefore also ask that you share with us:

- The current total number of people held in prisons, jails, and all other places of detention;
- A list of all official places of detention and the capacity of each.

A judge informed Human Rights Watch on March 18 that after the first confirmed cases of Covid-19 in Iraq in early March prison authorities halted family and lawyers' visits. An individual with knowledge of the prison system said that as a result of the cessation of family and lawyers' visits, some prisoners lost the ability to communicate with their families and lawyers because prison authorities did not provide them with alternative means to communicate.

Authorities should take steps, as detailed in the recommendations below, to reduce prison populations, ensure proper cleaning and hygiene protocols are followed, enact effective screening systems to keep infections from being introduced into facilities, create conditions for non-punitive isolation and quarantine for individuals who are infected or close contacts of those who are infected, provide adequate medical care to all who need it, and support people being released into their communities.

Another individual with knowledge of the situation inside Iraqi prisons told Human Rights Watch that he knew of at least one prison in Baghdad where prisoners and guards contracted Covid-19. Human Rights Watch was unable to verify this information. We therefore also ask that you share with us:

- Information on the number of suspected and confirmed cases of Covid-19 among prisoners and guards in prisons across Iraq, including the Kurdistan Region;
- Data on how many tests have been conducted amongst the prison population;
- The prisons which have been affected by a Covid-19 outbreak;
- The subsequent measures authorities have taken in those specific prisons to address the medical needs of those infected and to minimize further transmission.

Human Rights Watch urges Iraq to urgently release people in prisons to reduce the number of people in these facilities to a level where social distancing rules can be implemented to prevent the spread of Covid-19, while creating conditions for non-punitive isolation and quarantine for individuals who are infected or close contacts of those who are infected, and providing proper medical care for those in need.

The government should order the immediate release of all prisoners and other detainees who should not be detained in any event. This includes all persons detained without a clear legal basis, those detained for exercising basic human rights, all detainees denied due process (including being brought before a judge to rule on the legality and necessity of their detention) and persons detained before trial, unless there has been an individual decision on the necessity of their detention before trial. Children should also be detained only in exceptional circumstances, recognizing that deprivation of liberty is almost never in the best interests of the child.

Furthermore the government should make decisions regarding release of other prisoners and detainees based on individualized assessments that take into account factors including: whether

the health of those incarcerated can be protected if they remain in detention; time already served; the gravity of the crime; the risk their release would represent to the public.

The government should prioritize urgently considering the release of:

- People at higher health risk should they contract the virus, including
 - older people;
 - people with compromised immunity or chronic conditions, such as heart disease, diabetes, lung disease, and HIV;
 - pregnant women and girls; and
 - people with disabilities that may place them at greater risk of COVID-19 complications.
- People held for non-violent crimes, such as shoplifting and possession and use of illegal drugs;
- People with care-giving responsibilities, such as women and girls incarcerated with their children, and people who are key care givers to older relatives and/or children; and
- People who are close to the end of their sentences;
- Children and young people.

Authorities should also consider:

- Reducing the issuance of arrest warrants and implementation of arrests, including for persons breaking curfew, unless absolutely necessary to protect the public or for the interests of justice;

When prisoners are released, the prison system should work with them quickly to ensure that they have a safe home in the community to go to, access to all needed follow up health care, including Covid-19 testing and treatment where appropriate, means of financial support, and connection with any needed social services.

The government should take urgent steps to ensure that prisons and detention facilities respond to Covid-19 by:

- providing detailed, accessible information to all prisoners and staff about Covid-19, and in easy to read or other accessible formats;
- educating staff on appropriate hygiene training;
- establish proper cleaning, disinfecting and hygiene protocols, including making soap, water, and all other necessary cleaning and hygiene materials and protective gear available to prisoners and staff;
- enacting screening systems to keep infections from being introduced into facilities;
- fully implementing social distancing in all facilities;
- providing sufficient medical monitoring, screening and appropriate testing for people who remain incarcerated, who are suspected of having the disease or showing symptoms, and who are at high risk of severe illness due to age, underlying health conditions or close contact with known infected people, and provide appropriate care and non-punitive housing, including isolation and quarantine for people in each category;

- taking urgent steps when prisoners or staff test positive or experience symptoms, including providing high quality care to all prisoners and staff who test positive or become ill with the virus;
- placing all people who are ill or close contacts of those who are ill in non-punitive isolation or quarantine with access to appropriate medical care;
- ensuring all prisoners receive adequate medical care in a timely manner, including preventive care and referrals to specialized health centers when needed;
- reporting confirmed Covid-19 cases to health authorities in a transparent and timely manner to enable public health monitoring;
- hiring sufficient numbers of doctors, nurses, and other staff for the prison systems;
- ensuring availability of quality, professional mental health services to prisoners and detainees;
- ensuring prisoners have the ability to maintain communications with their families and lawyers.

Please direct your response and any questions to my colleague Senior Crisis & Conflict Researcher Belkis Wille via email or phone at [REDACTED] or [REDACTED].

Thank you for considering our request.

Sincerely,

[REDACTED]

Adam Coogle
Deputy Director
Middle East and North Africa
Human Rights Watch

CC: Mr. Muhammad Tahir al-Mulhim
Prime Minister's Advisory Commission
Baghdad, Iraq

Ahmed Jamal
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