

HUMAN RIGHTS WATCH

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July 27, 2018

Mr. Haidar Agaili
Prime Minister's Advisory Commission
Baghdad, Iraq

Re: Request for Response on Upcoming Report

Dear Mr. Agaili,

Thank you for your and the Prime Minister's continued assistance and support to Human Rights Watch and your willingness to meet with my colleagues earlier this summer. We very much appreciate your team's willingness to maintain an open line of communication with Human Rights Watch to discuss human rights challenges in Iraq and recommendations for how to overcome them as well as your willingness to engage with the findings of our human rights investigations and to provide your input and information.

We have a new report planned for release in the coming months on enforced disappearances perpetrated by a range of security and military actors in Iraq between 2014 and 2017.

In this report, Human Rights Watch draws on research it has published on enforced disappearances in Iraq since 2014 and documents an additional 74 cases of men and four cases of boys who were detained by Iraqi military and security forces between April 2014 and October 2017 and forcibly disappeared. In 74 of the 78 cases, the fate of the disappeared remains unknown. In the remaining four cases families believed they knew where their relatives were being held through informal sources of information. In three additional cases, men who were detained and disappeared in 2014 and 2015 were released between 34 and 130 days later. Those released indicated that they had been detained by the

Popular Mobilization Forces (PMF) or the National Security Service (NSS) in unofficial places of detention.

With the exception of eight individuals who were disappeared during clashes between Iraqi forces and followers of the Shia cleric Mahmoud al-Sarkhi in 2014, all the cases Human Rights Watch documented for this report were Sunni Arab males. Military and security forces apprehended 34 of the men and boys at checkpoints as part of terrorism screening procedures and another 37 from their homes, with the remaining seven detained elsewhere. In the cases documented in this report, families of those arrested and witnesses of operations said that security officers did not present search or arrest warrants.

In three cases, family members who witnessed their relatives' apprehension alleged that forces used excessive force, in one case leading to a death of another relative present. In four other cases witnesses said security forces threatened the use of force.

The enforced disappearances documented in this report were conducted by a range of military and security actors. The highest number of disappearances documented by Human Rights Watch, 36 cases, was perpetrated by different groups within the PMF.

In light of these findings, we would welcome your response to the following inquiries and questions to ensure that our reporting is accurate and fair:

1. Please provide a list of all official places of detention in Iraq, as well as the relevant security and military forces in charge of the facilities.
2. Please provide a list of all unofficial places of detention that the authorities are aware of, a justification as to why the facilities are currently operating, as well as the relevant security and military forces in charge of the facilities.
3. Please provide a list of all security or military forces with the mandate to 1) conduct arrests, 2) detain individuals, and 3) interrogate individuals in detention.
4. Does the government maintain any centralized or decentralized databases reflecting the names and numbers of detainees held by the range of security

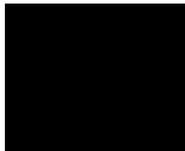
- and military forces who are detaining individuals? If so, how much of the overall prison population in Iraq is reflected in such a database(s)?
5. What law enforcement guidelines, if any, exist for 1) appropriate threats of use of force or use of force at the time of arrest 2) the confiscation of personal property at the time of arrest, and 3) when threats to use force or the use of force are appropriate during interrogations? Please share these guidelines with us.
 6. In the absence of an arrest warrant, what is the procedure followed when an official chooses to arrest an individual in the context of a security screening at a checkpoint, a security sweep of an area that was formerly under ISIS control, or a security sweep of an area following a security-related incident?
 7. What are the available governmental bodies or mechanisms families of the disappeared can use to register a relative as disappeared and obtain information about their missing relatives? Please provide as much detail as possible about the different bodies and mechanisms that are available, how a relative should decide which body or mechanism to approach, and what the various bodies or mechanisms will do once a complaint has been registered and within what time period.
 8. Please provide us with the number of disappeared who have been registered by each of these mechanisms or bodies, the number that have since been found, either alive or dead, and the time it has taken to inform families about the whereabouts or fate of their relatives.
 9. Between 2016 and 2018 how many state officials, including security and military officials, have been investigated for 1) apprehending individuals without legal authority to do so, including for not having an arrest warrant when one was required, 2) accepting bribes from families of the detained, and 3) any provisions of the law for acts that constitute an enforced disappearance? Please provide us with any details you can into the cases, including the rank of the official and the names of the security or military force involved. How many of the investigated officials were prosecuted? How many were convicted? What punishments were handed down, and in cases in which officials were sentenced to prison how much time was served?
 10. Are there any active parliamentary or government initiatives to enact a law on enforced disappearances or to amend the Iraqi penal code to include enforced disappearances as a discrete crime?

In 63 of the cases we documented, relatives of disappeared individuals requested that Human Rights Watch privately share their missing relatives' biographical information, the date and location of their disappearance, and the security force believed to be responsible for their apprehension with Iraqi authorities in the hope that they might be located and released. You will find this information in the table appended to this correspondence for your review. We ask that you provide us with an update by August 27, 2018 on whether you have been able to ascertain their fate and whereabouts, and that you contact their relatives to inform them of any information you have been able to gather.

Human Rights Watch plans to publish our research in September and will incorporate any response received to our findings and questions received before August 27, 2018. Please direct your response and any questions to my colleague Senior Iraq Researcher Belkis Wille via email or phone at [REDACTED] or [REDACTED] [REDACTED].

Thank you for considering our request.

Sincerely,



Lama Fakhri
Deputy Director
Middle East and North Africa
Human Rights Watch

قوات خاصة مكتب رئيس والوزراء	الرحمانية\بغداد	21\04\2014			
قوات الخاصة مكتب رئيس الوزراء	الدورة	13\06\2014			
الحشد الشعبي + السوات	حي سيف سعد\ كربلاء	02\07\2014			
الامن الوطني + السوات	شارع شيخ معروف بغداد	13\07\2015			
الحشد الشعبي, كتائب حزب الله	طريق تكريت عوينات	07\07\2014			
الحشد الشعبي, كتائب حزب الله	طريق تكريت عوينات	07\07\2014			
الحشد الشعبي, كتائب حزب الله	سامراء	14\07\2014			
استخبارات وزارة الداخلية	بغداد	28\08\2014			
الحشد الشعبي\كتائب حزب الله	حي عسكري\ طوز	23\10\2014			
الحشد الشعبي\كتائب حزب الله	حي عسكري\ طوز	23\10\2014			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	23\05\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	23\05\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	23\05\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	23\05\2015			
الحشد الشعبي, بدر او سرايا عاشوراء	سامراء	09\09\2014			
الحشد الشعبي,	جرف الصخر	09\05\2015			

كتائب حزب الله					
الحشد الشعبي, البدر	طوز	12\08\2015			
الحشد الشعبي, كتائب حزب الله, فرق بابل	المجر	06\06\2015			
الحشد الشعبي, كتائب فضل العباس, كتائب حزب الله	مسيب	15\06\2015			
الحشد الشعبي	العياضية	15\06\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	01\12\2015			
الحشد الشعبي كتائب حزب الله	الرزاة	13\11\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	15\11\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	20\12\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	20\12\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	26\12\2015			
استخبارات وزارة الداخلية	مطار بغداد الدولي	01\02\2015			
	حي عسكري ا طوز	22\10\2015			
الحشد الشعبي ا عصائب اهل الحق	حي عسكري ا طوز	11\01\2016			
الحشد الشعبي	سيطرة يثرب	09\2016			
الامن الوطني	المدائن\ بغداد	24\07\2016			

الامن الوطني	المدائن\ بغداد	24\07\2016			
الحشد الشعبي, كتائب حزب الله, فرق بابل	المجر	06\06\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	12\01\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	12\01\2015			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	03\03\2016			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	03\03\2016			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	12\03\2016			
الحشد الشعبي كتائب حزب الله	سيطرة الرزاة	12\01\2016			
قوات مكافحة الارهاب	مخيم حمام العليل	03\2017			
الحشد الشعبي	مركز شرطة يثرب	15\01\2017			
الحشد الشعبي	مركز شرطة يثرب	15\01\2017			
قوات مكافحة الارهاب	سيطرة العقرب \ الموصل	30\08\2017			
قوات مكافحة الارهاب	سيطرة العقرب \ الموصل	30\08\2017			
قوات مكافحة الارهاب	سيطرة العقرب \ الموصل	20\08\2017			
الامن الوطني	المدائن\ بغداد	24\07\2016			
قوات مكافحة الارهاب	سيطرة العقرب \ الموصل				
قوات مكافحة الارهاب	سيطرة العقرب \ الموصل				
استخبارات الشرطة	محكمة كركوك	24\04\2017			

ضباط الأمن من قيادة عمليات أنبار	سيطرة صقر	10\2017			
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