

HUMAN  
RIGHTS  
WATCH

**“Life Without a Father is Meaningless”**  
Arbitrary Arrests and Enforced Disappearances in Iraq  
2014-2017

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# “Life Without a Father is Meaningless”

## Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017

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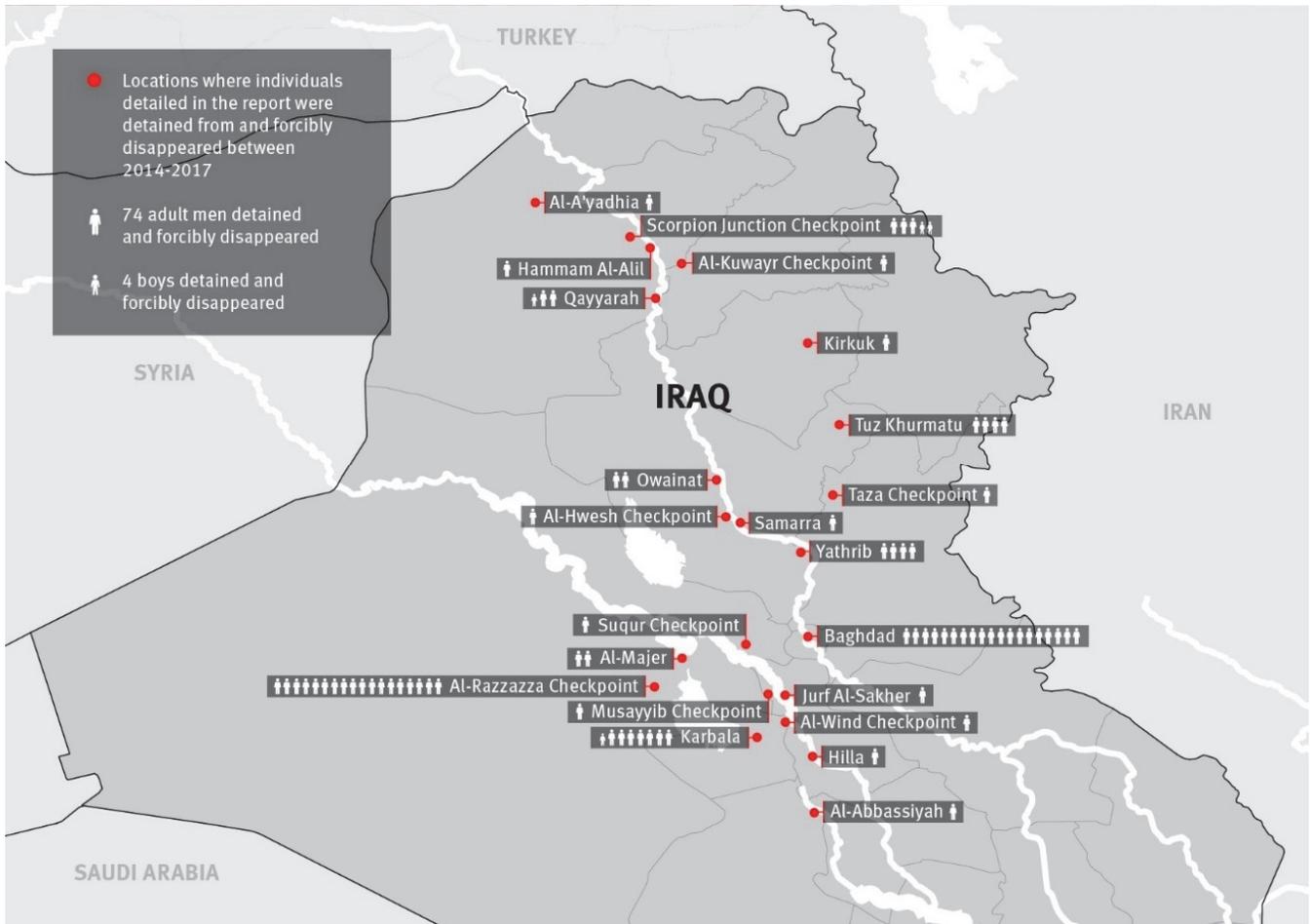
## Summary

On October 22, 2015, a car bomb exploded outside a Shia mosque in the town of Tuz Khurmatu, reportedly killing five people and wounding 40. The next day, at around 8 p.m., a car pulled up outside the home of “Aziz,” 32, a local laborer. According to Aziz’s wife, five men wearing black uniforms, masks, and the yellow logos of Kata’ib Hezbollah (an Iraqi Shia group that is part of the Popular Mobilization Forces), demanded that Aziz and his father “Sabah,” 70, “come with us.” Aziz’s wife has not seen them or received any information about their whereabouts since. “The next day, I went to the local police, the courthouse, and the intelligence office, but [they] all said they did not have any information,” she told Human Rights Watch in February 2018. “I am scared my husband will never come back, nor my father-in-law. How can I live without them?”

Aziz and Sabah, like thousands of other Iraqi men, were arbitrarily arrested and forcibly disappeared by government forces and allied local armed groups that have since been integrated as state forces as part of the fight against the Islamic State (also known as ISIS) that began in 2014.

Enforced disappearance is defined under international law as the arrest or detention of a person by state officials or by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the arrest or to reveal the person’s fate or whereabouts. The prohibition also entails a duty to investigate cases of alleged enforced disappearance and prosecute those responsible. In the cases documented by Human Rights Watch in this report, family members could obtain no information about the fate or whereabouts of the detainees and detainees were not allowed any contact with the outside world. Human Rights Watch also tried to obtain information on the whereabouts and well-being of those who had been arrested but received no response by the time of publication. The detentions can therefore be qualified as enforced disappearances.

The International Convention for the Protection of All Persons from Enforced Disappearance, which Iraq is a party to, codifies the prohibition on enforced disappearances and, among other things, sets out the obligations of states to prevent, investigate, and prosecute all cases of enforced disappearances.



In this report, Human Rights Watch draws on research it has published on enforced disappearances in Iraq since 2014, and has documented 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. While in four cases families believed they knew where their relatives were being held through informal sources of information, for the 74 other cases, their fate remains unknown. In 29 of these cases the individuals were detained in 2014, 23 in 2015, 14 in 2016 and 12 in 2017. 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.

Almost all cases of individuals disappeared by security forces that Human Rights Watch has documented are male. Human Rights Watch has documented only one recent incident of a woman's disappearance, in 2016 (not included in this report).

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. Their families all said that they believed the disappearances took place because of their religious, tribal or familial identity, which Iraqi forces used to impute a sympathy for ISIS and Al-Qaeda. Human Rights Watch is not aware of specific evidence linking the individuals disappeared to ISIS. The youngest disappeared victim was 9 years old, and the oldest 70, with the majority of the disappeared in their thirties.

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. All of the disappearances at checkpoints but one targeted individuals who are from or lived in areas that were under ISIS control for varying periods of time between 2014 and 2017. Nineteen of the home arrests took place in Baghdad. In most of these cases, the security forces gave the families of those detained no reason for the arrests, although the families suspect they were related to their identity as Sunni Arab in combination with where they were from, or what family or tribe they belonged to. In at least six of these cases, the circumstances of arrest or what arresting officers said to the families indicated that they were likely or at least potentially related to the fight against ISIS.

In five home arrest cases, the arrests from homes took place following anti-ISIS military operations. In eleven cases, they took place as part of mass roundups and disappearances of individuals after major security incidents such as the 2014 fighting between the supporters of Mahmoud al-Sarkhi and security forces and the 2015 car-bombing in Tuz Khurmatu.

In another five cases, the Counter Terrorism Service (CTS), the Ministry of Interior's Intelligence and Counter Terrorism Office, and PMF detained men from areas formerly under ISIS control in locations other than their homes and checkpoints. These locations include the Kirkuk courthouse, a displacement camp, Baghdad International Airport, and the Yathrib local police station. In another case, a Federal Police officer was arrested off

the street in Samarra likely by the PMF. Another man was detained by a PMF member outside the Civil Directorate in Tuz Khurmatu. In each case the men were taken without explanation, according to witnesses to the arrest.

As is often the case with enforced disappearances, in a number of cases documented in this report, the enforced disappearance was accompanied by other human rights abuses including arbitrary arrest and detention; ill-treatment; and extrajudicial execution. Under international law, all suspects, including those linked to terrorism, are supposed to receive due process. These obligations require ensuring fairness and due process in investigations and prosecutions, as well as humane treatment of those in custody. Enforced disappearances may themselves amount to torture or inhuman or degrading treatment, both for the detainee and members of their family.

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 cases in which a reason for the arrest was given, it was always linked to terrorist allegations, typically to ISIS. None of the families Human Rights Watch interviewed knew whether their relatives had been brought before a judge in the allotted amount of time. Researchers observed that thousands of prisoners facing terrorism charges are held for months before they see a judge, during which time they are not allowed to communicate with legal counsel or with their relatives, nor do their families receive notification about their whereabouts.

Under Iraqi criminal procedure, which remains fully in force because the government has not invoked a state of emergency, police may detain suspects only after a court-issued arrest warrant and must bring suspects before an investigative judge within 24 hours in order to mandate their continued detention.

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

At the time of arrest, in five instances authorities also seized phones, laptops, and in one instance a PlayStation. While Iraq's counterterrorism law, provision 6(2) states that, "All

funds, seized items, and accessories used in the criminal act or in preparation for its execution shall be confiscated,” the families in each instance said these items had not been used for terrorist purposes and that the arresting officers made no attempt to justify the seizures or return the items following an investigation.

Relatives of eight of the disappeared alleged that the PMF, NSS, and the Kurdistan Regional Government's Asayish (security forces), likely held their family members in unofficial places of detention, but said they did not know about how they were treated. However, three of the relatives who were detained themselves along with their disappeared relative but subsequently released all said they were physically abused by the PMF or NSS while in detention. None of these three men knew where exactly they had been held, none were charged or cleared for release through any legal process, and all were held incommunicado until their release.

These cases call into question the assertions by the PMF commission, the PMF’s governing body, that PMF groups do not detain any individuals in Iraq. They legally have no mandate to do so, the PMF commission has told Human Rights Watch. They may assist the judicial process in carrying out arrests, the commission has said, but then they should hand the individuals over as soon as possible to the relevant government forces who have a mandate to detain and interrogate.

Many relatives and witnesses have made allegations to Human Rights Watch of extortion linked to the release of prisoners, with officers demanding money from families to facilitate release. Amnesty International has documented cases in which families have paid exorbitant ransoms to armed forces in an attempt to secure their relatives’ release. In one case documented in this report, a father said an Asayish officer asked for a bribe in order to facilitate his son’s release. The father said he refused, saying he did not have the means, and his son has not been released since.

The most recent disappearances included in the report took place in October 2017. Between October 2017 and the time of publication, Human Rights Watch continued to receive reports of disappearances across Iraq. At the time of publication, the families of the disappeared whom Human Rights Watch interviewed for this report still had no information on the fate and whereabouts of their disappeared relatives.

The enforced disappearances documented in this report were conducted by a range of military and security actors. Human Rights Watch documented five by the CTS, Iraq's elite counterterrorism special forces established by US-led coalition forces after 2003, and 12 by the NSS, a body dedicated to collecting information about armed, political, or religious groups threatening Iraq's national security and monitoring international organizations and actors in country. Both the CTS and the NSS report to the prime minister. In some cases, the NSS carried out disappearances in conjunction with SWAT (Special Weapons And Tactics), a unit within the Ministry of Interior.

Human Rights Watch documented 14 cases in which units known as the prime minister's forces perpetrated enforced disappearances in Baghdad in 2014, all while former Prime Minister Nouri al-Maliki was still in office. Thirteen of those cases took place on April 21, 2014, nine days before Iraq's scheduled parliamentary elections, in two Baghdad neighborhoods.

Researchers documented four cases in which the Ministry of Interior's Intelligence and Counter Terrorism Office was responsible for disappearances and one case in which the Federal Police were responsible. The Federal Police, also under the command of the minister of interior, functions like many countries' national guard or reserve forces. It was created to respond to domestic conflicts requiring a military deployment beyond the capacity of local police, whilst avoiding the political difficulties raised by deploying the army domestically.

The highest number of disappearances documented by Human Rights Watch, 36 cases, was perpetrated by different groups within the PMF. The PMF brought together many pro-government forces under the single banner after ISIS took control of Mosul in June 2014 after former Prime Minister Nouri al-Maliki and Iraq's supreme Shia religious cleric, Grand Ayatollah Ali al-Husseini al-Sistani, called for men to join the fight against ISIS. In February 2016, Prime Minister al-Abadi issued Order 91, officially incorporating the PMF as an "independent military formation" within Iraq's security forces under the prime minister's command. On November 26, Iraq's parliament passed a law formalizing the decision. Until then, PMF groups operated extra-legally but with the support and acquiescence of the Iraqi government. The PMF took part in Iraqi military operations alongside other Iraqi forces, erecting checkpoints and carrying out security screenings based on databases of individuals wanted by the Iraqi state.

Of the documented disappearances attributed to the PMF in this report, witnesses said 28 were carried out by the Hezbollah Brigades, one by the Badr Organization, and one by Asa'ib Ahl Al-Haqq. The witnesses said they based their identification of the perpetrators on the flags and logos of the groups involved in the detentions. In six cases witnesses could not specify which PMF group was responsible for the disappearances, but did attribute them to the PMF based on the official PMF flags and logos. The disappearances occurred in or at checkpoints around A'yadhia, Hilla, al-Hwesh, Jurf al-Sakher, Karbala, al-Majer, Musayyib, Razzazza, Samarra, Tuz Khurmatu, Yathrib, and the town of Owainat, between July 2014 and October 2017, including two after November 2016, once the PMF had been formally placed under the command of al-Abadi.

The research also suggests that PMF groups have targeted the men of certain communities who lived under ISIS for arbitrary detentions and enforced disappearances, including residents of Jurf al-Sakher, whose residents fled their homes in October 2014.

For this report researchers documented three disappearances attributed to the security forces of the Kurdistan Regional Government, the Asayish. However, Human Rights Watch has documented many more Asayish disappearances between 2015 and 2017, mostly in the context of military operations against ISIS. The Asayish or Peshmerga (military forces of the Kurdistan Regional Government) has detained and disappeared individuals either at checkpoints or from Kurdistan Regional Government-controlled camps since 2015.

Human Rights Watch spoke to 53 families of currently disappeared persons who had first-hand knowledge of the disappearance. Of these, 38 families requested information regarding their missing relatives from Iraqi authorities but received none. In cases in which families did not seek information about their relatives, they said they refrained from doing so because they feared inquiries would seriously jeopardize the safety of their relatives—most families hope that Iraqi forces will release the disappeared after a period of secret, illegal detention.

In the course of research, Human Rights Watch wrote letters to the human rights advisor to the Prime Minister's Advisory Council in Baghdad as well as the Kurdistan Regional Government's coordinator for international advocacy with a list of questions as well as a list of those who vanished after being detained, querying the whereabouts and well-being of those who had been arrested and providing approximate dates and locations of where

each person was last seen. On September 18, the Kurdistan Regional Government responded with information about the number of individuals detained for ISIS affiliation through 2017 and its arrest procedures. It did not respond to any of Human Rights Watch's specific queries, including on the whereabouts of individuals included in the report. Baghdad authorities provided no response.

All 53 families said they were too scared to speak to Human Rights Watch about the disappearance unless they were guaranteed anonymity because they feared retaliation by the security forces.

Alkarama Foundation, a Geneva-based human rights organization, has also expressed concern over threats and physical attacks on rights activists, including attacks on two activists supporting the families of the disappeared in February and March 2018.

Those families that chose to take action reported approaching a range of actors including courts, prisons, the Ministry of Interior's Inspector General, the speaker of parliament, and other parliamentarians, as well as the Office of the Prime Minister. In all cases, interviewees said that none of the government officials they approached helped them obtain any information about their disappeared relatives. None of the families had a clear idea of which authority they should contact to have the best chances of identifying their relatives' whereabouts. In addition, none of the families interviewed said they contacted the Iraqi High Commission for Human Rights (IHCHR), the national human rights institution, seemingly because they did not believe the commission could play an effective role in assisting them to find their relatives. One family submitted an urgent action to the Committee on Enforced Disappearances, the body of independent experts which monitors implementation of the International Convention for the Protection of all Persons from Enforced Disappearance which Iraq ratified in 2010. None of the other families knew about the work of the committee.

Most of the families who went to prisons in search of their relatives said they went to Baghdad's International Airport Prison and the prison at Muthana, an old military base in Baghdad, now home to a group of detention facilities. According to lawyers and penitentiary workers, the Muthana prison complex and the airport prison are both run by the Baghdad Operations Command (which represents a mix of different forces), Military Intelligence, a secret service branch known as *Mukhabarat* under the command of the

prime minister, and a group called the Tactical Unit under the command of the Ministry of Interior. Families told Human Rights Watch that it is widely believe that those who have disappeared following their detention are either dead or in one of these two prison complexes.

Inès Osman, Coordinator of the Legal Department at Alkarama Foundation told a Human Rights Watch researcher in August 2018 that since May 2014, Alkarama submitted 145 urgent actions on cases of enforced disappearances in Iraq to the Committee on Enforced Disappearance. As of March 2018, family members in only six cases ultimately discovered the whereabouts of their relatives but never due to official communications from the authorities. She said the authorities responded to communications from the committee, but generally the responses merely stated the authorities checked their prisons and other databases and did not find the individual, or that the family should file a complaint with the Human Rights Directorate within Iraq's Ministry of Interior.

The enforced disappearances documented in this report are part of a much wider pattern in Iraq. This report does not include already published research that Human Rights Watch conducted into thousands of men and boys being held in the context of the military operations against ISIS, including the operation to retake Fallujah from May to June 2016, leaving at least 643 men missing from Saqlawiya and 70 from Karma, and Mosul from September 2016 to July 2017. In a December 2017 report, *Flawed Justice: Accountability for ISIS Crimes in Iraq*, Human Rights Watch documented the authorities in Mosul holding at least 7,374 individuals on charges of affiliation with ISIS, largely without notifying their families, many of whom tried to obtain information about them, and without letting them communicate with their families, amounting to wide-scale enforced disappearances. Researchers estimated that the detention numbers were far greater, a concern supported by an Associated Press article published on March 21, 2018, based on its review of leaked ministry of interior documents on the prison system and other government sources.

Iraq faces serious security challenges, including in its fight against ISIS. However, the state has a responsibility to ensure that the law enforcement response complies with its own laws and international human rights obligations.

Iraq's new federal government, which will be established in the coming weeks, based on elections which took place in May 2018, and the Kurdistan Regional Government, should

make combatting enforced disappearances and investigating past incidents a priority, thus demonstrating their commitment to respecting and protecting the rights of all populations in Iraq. Authorities should do this by establishing an independent commission of inquiry to investigate all cases of enforced disappearances and custodial deaths nation-wide at the hands of military, security, and intelligence forces across all official and unofficial detention facilities. The commission should: a) be mandated to recommend cases for prosecution; b) include working groups on data collection, legislative reform, and investigations into individuals' fate and whereabouts; c) have the authority to recommend cases for prosecution and report publicly on its findings within one year; d) establish a mechanism to compensate victims of enforced disappearance and their families; and e) establish a nationwide register of forcibly disappeared persons, or another streamlined mechanism to allow families to seek information about relatives disappeared and ensure the fulfilment of family rights to truth, justice, and reparations.

Enforced disappearances have plagued Iraq for decades. Widescale protests in 2013 demanded the release of individuals arbitrarily detained and that the government provide information to the families of missing persons arrested in previous years. The Iraqi government seems to acknowledge that this was a problem of the past but has not admitted that government forces and government affiliated groups continue to carry out enforced disappearances.

Iraqi authorities have a duty to investigate cases of enforced disappearance. Instead of simply registering families' complaints of disappearances without follow-up, the courts should order prompt, impartial, and independent investigations. Those in command of the specific law enforcement authorities, including the prime minister and minister of interior, must direct forces to release disappeared persons or charge and prosecute them in fair proceedings where they are afforded their full rights, including the right to communicate with their families and for their place of detention to be made known at all times to their families, legal representative, and other interested parties. Authorities should hold members of the military and security forces responsible for any abuses to account and should compensate victims of enforced disappearance, including the families of the disappeared person.

Each and every case of disappearance needs to be resolved by speedy investigation. If the person is in detention they should be charged or released, if they have died their families

should be given full details of the circumstances of the death. Their bodies should be returned to their families.

Human Rights Watch also calls on the United States, the United Kingdom, Germany, France, and other states providing military, security, and intelligence assistance to Iraq to urge the Iraqi authorities to investigate allegations of enforced disappearances and to investigate the role of their own assistance in these alleged violations. These states should suspend military, security, and intelligence assistance to units involved in these violations and explain any suspension or end to military assistance publicly. The states should maintain the suspension of assistance until the government adopts measures to end these serious human rights violations.

# Recommendations

## To Independent Law Enforcement Authorities

### *Investigations and Prosecutions*

- Promptly investigate existing allegations of enforced disappearances, locate and release those held illegally by military and security forces, and prosecute the perpetrators of enforced disappearances.
- Prosecute law enforcement officers of all ranks, including those with superior authority, who are found to be responsible for enforced disappearances. Punish commanding officers and others in a position of government authority who ordered or knew of these abuses.
- Promptly charge detainees against whom there is credible evidence of crimes, in proceedings that adhere to international due-process standards, including stating the location of all detainees, and release all others, providing reparation to those unlawfully detained.

## To Iraq's Newly Formed Federal Government and the Kurdistan Regional Government

- Urgently provide information on the fate and whereabouts of the disappeared people. If the person is in detention they should be charged or released, if they have died their families should be given full details of the circumstances of the death. Their bodies should be returned to their families.
- Immediately suspend, pending a full investigation, any official against whom there is credible evidence that they participated in an enforced disappearance.
- Establish an independent commission of inquiry to investigate all cases of enforced disappearances and custodial deaths nation-wide at the hands of military, security, and intelligence forces across all official and unofficial detention facilities. The commission should: a) be mandated to recommend cases for prosecution; b) include working groups on data collection, legislative reform, and investigations into individuals' fate and whereabouts; c) have the authority to recommend cases for prosecution and report publicly on its findings within one year; d) establish a mechanism to compensate victims of enforced disappearance

- and their families; and e) establish a nationwide register of forcibly disappeared persons, or another streamlined mechanism to allow families to seek information about relatives disappeared and ensure the fulfilment of family rights to truth, justice, and reparations.
- Ensure that the range of authorities that families of the missing contact to help locate their relatives are informed about the commission and how to contact it. Provide prompt and substantive responses to queries from the Committee on Enforced Disappearances.
  - Recognize the competence of the Committee on Enforced Disappearances to receive and consider individual and inter-state communications pursuant to articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, in addition to the urgent actions the committee currently considers, by making the required declarations.

### *Protection*

- Coordinate a national strategy among all government bodies and authorities with records of disappeared persons for handling disappearances, which includes a plan for data sharing, with full respect for international data protection standards, for the purpose of effectively locating and disappeared persons.
- Publicly announce a clear and straightforward pathway for reporting disappeared persons so that families can effectively report their cases, without fear of reprisals.
- Make strong and repeated public statements at the highest government levels that clarify that all military, security, and intelligence forces should comply with the law, and that all detained people must be brought to court within 24 hours, as stipulated by Iraqi law.
- Ensure that only bodies with an official mandate to detain and investigate individuals are engaging in detentions.
- Ensure that all detention facilities and detaining authorities maintain a centralized record that is open to the inspection of detainees and their representatives, that includes the names of all detainees, including the dates they were detained, the date the legal authority for their detention expires, the legal basis for their detention, and when they were brought before a judge.
- Ensure that detaining authorities notify family members of the detained, within 12 hours of the arrest, of the time and place of arrest and the place of detention.

- Allow detainees access to a lawyer of their choice or a state-appointed lawyer from the moment of detention.
- Ensure that detainees are only held in official places of detention.
- Ensure that the Iraqi High Commission for Human Rights (IHCHR) has unfettered and unannounced access to all places of detention, as well as sufficient powers of investigation.

### *International Cooperation*

- Clarify the fate and whereabouts of all individuals whose cases are pending before the United Nations human rights mechanisms.
- Ensure serious and independent investigations by effectively collaborating with the relevant United Nations special procedures, including by accepting the requests for country visits made by the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and inviting the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to visit Iraq to investigate and make appropriate recommendations to combat the phenomenon of enforced disappearances, arbitrary detention, and torture.

### **To Iraq's Newly Elected Parliament**

- Hold a debate on the abuses by security forces with the view to adopting a motion to compel Iraqi authorities to establish an independent, impartial, multiagency commission of inquiry to investigate the abuses.

### **To Iraq's New Federal Government, Kurdistan Regional Government and Parliament**

- Ensure the effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance by ensuring that all relevant criminal, civil, and family legislation, as well as policies and practices are consistent with the numerous obligations undertaken by Iraq when it acceded to the Convention, including:

- Codifying an enforced disappearance as a separate and autonomous crime under domestic criminal legislation and ensuring that it carries penalties commensurate with the gravity of the crime.
- Abolishing article 40 of the Penal Code which establishes that an act is not an offense if a public official or public servant commits the act in implementation of an order from a superior which they are obliged or feel obliged to obey.
- Criminalising the responsibility of superior commanders, military, and civilian, as required by article 6 of the Convention.
- Pass legislation to ratify and implement the Optional Protocol to the Convention against Torture (OPCAT) and set up a National Preventative Mechanism for inspecting all detention centers in Iraq.

### **To the Iraq High Commission for Human Rights and Independent Human Rights Commission in Kurdistan Region**

- Strenuously press the government to open transparent investigations into cases of disappearances and extrajudicial killings, and consider opening its own investigations into these cases.
- Demand that the government respond in a timely and transparent manner to requests for information on cases presented by the commission to the authorities.
- Call for free and unfettered access to all places of official and unofficial detention countrywide.
- Urge the government to establish a list of all places of detention and ensure that detainees are not being held in other, unofficial places of detention.

### **To Iraq's Bilateral and Multilateral Donors including the United States, United Kingdom, France, and Germany**

- Urge Iraqi authorities to take all necessary measures to fully implement the International Convention for the Protection of All Persons from Enforced Disappearance.
- Urge Iraqi authorities to account for the whereabouts of those disappeared, put an end to the practice of enforced disappearances, and ensure the criminal justice

system can independently and effectively investigate cases and prosecute the perpetrators.

- Urge authorities to publicly report, in no later than one year, on progress toward accountability for the documented violations.
- Urge authorities to establish a centralized structure for handling disappearance cases.
- Vet for human rights abuses and laws-of-war violations all Iraqi and Kurdistan Regional Government forces that currently receive military aid and security assistance.
- Investigate whether foreign military assistance, including weapons and munitions transfers and military training, contributed to the violations documented in this report. Suspend military, security, and intelligence assistance to units involved in these violations and explain publicly any suspension or end to military assistance, including the grounds for doing so, until the government adopts measures to end these serious human rights violations.
- Governments that provide financial assistance or military aid should ensure their assistance is not contributing to the commission of further serious violations by the armed forces including by assessing if Iraqi authorities are taking genuine steps to investigate and prosecute allegations of serious violations, including enforced disappearances.
- Ensure that any ongoing or future training of military, security, or intelligence forces includes robust instruction on the principles and application of the laws of war and human rights, particularly with regard to detainees.
- Undertake regular joint monitoring visits to military, security, and intelligence forces' training sites to assess training effectiveness, including on human rights.
- Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance, including its provisions on universal jurisdiction for prosecuting the crime.

## Methodology

For this report, Human Rights Watch has drawn on research it has published on enforced disappearances since 2014, and additional interviews carried out from early 2016 to March 2018 with the family members, lawyers, and community representatives of 78 individuals currently forcibly disappeared, as well as three who had themselves been disappeared and were subsequently released. Researchers reviewed court and other official documents relating to the disappearance cases. Researchers called interviewees in July 2018 to confirm their situation was unchanged.

Researchers consulted with international nongovernmental organizations working on cases of disappearances, as well as local lawyers and other legal experts.

Human Rights Watch researchers spoke to interviewees in person when possible, but in some cases did so over the telephone, in Arabic or Kurdish. Researchers informed all interviewees about the purpose and voluntary nature of the interviews, the ways in which they would use the information, and obtained consent from all interviewees, who understood they would receive no compensation for their participation. For reasons of personal security, Human Rights Watch has withheld the names and identifying information of the interviewees and the disappeared.

On July 27, Human Rights Watch sent Government of Iraq and Kurdistan Regional Government authorities a list of questions, soliciting information regarding the documented enforced disappearances. We also provided both authorities with a list of the names of all the disappeared whose families gave us permission to do so, as well as additional identifying information and information about their disappearance, with a request for a response on the whereabouts of each.

On September 18, the Kurdistan Regional Government responded with information about the number of individuals detained for ISIS affiliation through 2017 and its arrest procedures. It did not respond to any of Human Rights Watch's specific queries, including on the whereabouts of individuals included in the report. Baghdad authorities provided no response.

Human Rights Watch maintains a dialogue with the Iraqi federal government and Kurdistan Regional Government authorities and is grateful for the cooperation we received to assess the facts presented in this report and any resulting recommendations.

## Background

In 2009, a representative for the International Committee of the Red Cross stated Iraq was probably facing the highest number of missing people in the world after three conflicts—a war with Iran in the 1980s, the first Gulf War in 1991, and the US-led military operation in 2003.<sup>1</sup> The International Commission on Missing Persons, which has been working in partnership with the Iraqi government to help recover and identify the missing, estimates that the number of missing people in Iraq could range from 250,000 to one million people.<sup>2</sup>

In 2010 Iraq acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter the Convention). However, it did not recognize the competence of the Committee on Enforced Disappearances (CED) to receive and consider individual and inter-State communications from individuals claiming to be victims of violations under articles 31 and 32 of the Convention.<sup>3</sup> As a result individuals and organizations can only file complaints under article 30 of the Convention (urgent actions). In the case of urgent actions filed under article 30, technically the CED does not adopt a decision on the cases, however communications filed under articles 31 and 32 can result in the CED adopting a decision or publishing a report.

The CED pointed out in its 2015 review of Iraq’s compliance with the Convention that while provisions of articles 322, 324, 421, 423, 424, 425, and 426 of the Iraqi Penal Code and article 92 of the Criminal Procedure Code No. 23 of 1971 criminalize certain acts incorporated in the definition of the crime of enforced disappearance, according to authorities, the crime itself, as defined by the Convention does not exist in Iraqi law.<sup>4</sup> The

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<sup>1</sup> James Kilner, "Accounting for missing people is vital for stability in a post-war scenario—ICRC," ReliefWeb, November 13, 2009, <https://reliefweb.int/report/serbia/accounting-missing-people-vital-stability-post-war-scenario-icrc> (accessed April 13, 2018).

<sup>2</sup> "Iraq," International Commission on Missing Persons, <https://www.icmp.int/where-we-work/middle-east-and-north-africa/iraq/> (accessed April 13, 2018).

<sup>3</sup> United Nations International Convention for the Protection of All Persons from Enforced Disappearances, December 20, 2006, G.A. Res. 61/177, annex, U.N. Doc. A/RES/61/177, entered into force December 23, 2010, available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-16&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-16&chapter=4&lang=en).

<sup>4</sup> UN Committee on Enforced Disappearances, "Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention, Addendum, Information received from Iraq on follow-up to the concluding observations," CED/C/IRQ/CO/1/Add.1, May 31, 2017, [https://digitallibrary.un.org/record/1317685/files/CED\\_C\\_IRQ\\_CO\\_1\\_Add-1-EN.pdf](https://digitallibrary.un.org/record/1317685/files/CED_C_IRQ_CO_1_Add-1-EN.pdf) (accessed August 24, 2018), para. 3.

Iraqi Supreme Criminal Tribunal Act No. 10 criminalized enforced disappearance as a crime against humanity, but that was restricted to offences committed between 1968 and 2003.<sup>5</sup> An initiative to pass a new law prohibiting enforced disappearances as a distinct crime in 2015 and again in 2017 has been stalled in parliament.<sup>6</sup>

In addition, article 40 of the Penal Code establishes that an act is not an offense if a public official or public servant commits the act in implementation of an order from a superior which they are obliged or feel obliged to obey.<sup>7</sup> This may have an impact on the implementation of the obligation under article 6 of the Convention to bring all those involved in the perpetration of enforced disappearances to justice.<sup>8</sup>

Iraq should criminalise the responsibility of superior commanders, military and civilian, as required by article 6 of the Convention, which states criminal responsibility should apply to superiors who:

- (i) Knew, or consciously disregarded information which clearly indicated, that subordinates under his or her effective authority and control were committing or about to commit a crime of enforced disappearance;
- (ii) Exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance; and
- (iii) Failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution.

Iraq's Criminal Procedure Code allows police and "crime scene officers" to detain and interrogate criminal suspects.<sup>9</sup> It defines crime scene officers in a broad manner, making it

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<sup>5</sup> Law of the Supreme Iraqi Criminal Tribunal, 2005, Resolution 10, <http://gipi.org/wp-content/uploads/2009/02/iraqstatute-engtrans.pdf> (accessed April 13, 2018), arts. 2, 4, 5, 6, 7.

<sup>6</sup> "Committee on Enforced Disappearances reviews report of Iraq," The Office of the UN High Commissioner for Human Rights (OHCHR), September 8, 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16395&LangID=E> (accessed April 13, 2018).

<sup>7</sup> Iraq Penal Code, 1969, <http://www.refworld.org/docid/452524304.html> (accessed April 13, 2018), art. 40.

<sup>8</sup> Ibid.

<sup>9</sup> Criminal Procedure Code, No. 23 of 1971, Introduction and arts. 51, 93.

impossible for Iraqi defense lawyers to ascertain which forces have a detention mandate.<sup>10</sup> Iraq has many different groups that make up its military and security forces, with many groups straddling the divide between military and law enforcement operations and falling under the command of the prime minister, the minister of interior, or minister of defense. These groups are conducting arrests in and outside the context of military operations, sometimes leading to disappearances.

Human Rights Watch researchers did not ask all of the groups whose role in disappearances is documented in this report whether they have a mandate to arrest, however leaders of the Popular Mobilization Forces (PMF) and National Security Service (NSS) told Human Rights Watch researchers on several occasions that they do not have the authorization to do so. Lawyers and judges as well as the deputy head of the Ministry of Interior's Intelligence and Counter Terrorism Office in Mosul have said that in their view only Ministry of Interior forces have the legal authority to detain and interrogate civilians.<sup>11</sup> These sources said only the Intelligence and Counter Terrorism Office can detain and interrogate those suspected under the counterterrorism law.

While authorities did not respond to Human Rights Watch's inquiries into what steps families should take if relatives are detained but they have no information regarding their whereabouts. Iraq's response to the concluding observations on the report of Iraq concerning the International Convention for the Protection of All Persons from Enforced Disappearance in May 2017, stated:

[T]he Supreme Judicial Council, represented by the Presidency of the Public Prosecution Service, is vigorously addressing all requests from relatives of disappeared persons whose fate is unknown. It receives the requests from

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<sup>10</sup> Ibid., art.39: Crime scene officers are the following persons, within their areas of competence: i. Police officers, police station commanders and sub-officers<sup>18</sup>. ii. Mayors of villages and of urban neighbourhoods - in respect of the notification of offences, the apprehension of suspects and the safe custody of persons who should be detained. iii. Railway stationmasters or their deputies, train guards/conductors, port managers/harbourmasters, airport managers and captains of ships and aircraft and their deputies - in respect of offences committed within their areas of responsibility. iv. Heads of government departments and official or semi-official establishments and agencies - in respect of offences committed within their areas of responsibility. v. Public servants authorized to investigate offences and take appropriate action within the limits of the powers accorded to them by the relevant laws.

<sup>11</sup> Human Rights Watch interview with Colonel Taha Abdullah Abd, deputy head of Mosul's Intelligence and Counter Terrorism Office, Mosul, July 8, 2018; Human Rights Watch group interview with eight lawyers and head of the court, Tal Kayf, July 8, 2018.

the Human Rights Division that was established in the Presidency of the Public Prosecution Service ... [and] [t]he Human Rights Department in the Ministry of Defence also receives through its hotlines complaints and requests from citizens for research and investigations into the fate of missing persons, which are conducted without delay in cooperation with the military sectors and in coordination with the security services in order to bring the sufferings of victims' families to an end.<sup>12</sup>

However, Alkarama has reported that in its work assisting families file complaints with the Committee on Enforced Disappearances, it has “witnessed that the above mentioned mechanisms for investigating the fate of the disappeared are ineffective.”<sup>13</sup> Furthermore, it documented incidents where relatives “inquiring about the fate and whereabouts of the disappeared with the Iraqi authorities, including after filing claims at police stations, were also subjected to enforced disappeared [sic], in what appears to be a clear act of retaliation.”<sup>14</sup>

In its 2015 concluding observations of Iraq’s compliance with its obligations under the Convention, the Committee on Enforced Disappearances raised concern at the lack of accurate and disaggregated statistical information on those disappeared.<sup>15</sup>

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<sup>12</sup> UN Committee on Enforced Disappearances, “Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention, Addendum, Information received from Iraq on follow-up to the concluding observations,” p. 3.

<sup>13</sup> Alkarama, “Iraq: Follow-up to the Committee on Enforced Disappearance’s recommendations,” July 24, 2017, [http://tbinter.net.ohchr.org/Treaties/CED/Shared%20Documents/IRQ/INT\\_CED\\_NGS\\_IRQ\\_28254\\_E.pdf](http://tbinter.net.ohchr.org/Treaties/CED/Shared%20Documents/IRQ/INT_CED_NGS_IRQ_28254_E.pdf) (accessed April 17, 2018), p. 6.

<sup>14</sup> Ibid.

<sup>15</sup> UN Committee on Enforced Disappearances “Concluding observations on the report submitted by Iraq under article 29 (1) of the Convention,” CED/C/IRQ/CO/1, October 13, 2015, <http://www.refworld.org/docid/562deeb84.html> (accessed on August 24, 2018).

## **Patterns of Disappearance and Responsible Forces Since 2014**

In the 78 cases of enforced disappearances Human Rights Watch documented for this report between April 2014 and August 2017, military and security forces apprehended 34 of the men and boys from checkpoints, and another 37 from their homes. In another five cases, Federal Police, Ministry of Interior's Intelligence and Counter Terrorism Office, and the Popular Mobilization Forces (PMF) disappeared men from areas formerly under Islamic State (also known as ISIS) control in locations other than their homes and checkpoints. These locations include Kirkuk courthouse, a displacement camp, Baghdad International Airport, and the Yathrib local police station. In another case, a Federal Police officer was detained likely by the PMF off the street, and in a final case, a man was detained by a PMF member outside the Civil Directorate in Tuz Khurmatu. Most of the disappearances were of Sunni men and boys.

Under Iraq's Criminal Procedure Code, police may detain suspects only after a court-issued arrest warrant, and they must bring suspects before a judge within 24 hours in order to mandate their continued detention.

According to witnesses or family members however, as far as they knew, in all the cases documented here, forces detained the individuals without any court order, arrest warrant, or other document justifying arrest, and often did not provide a reason for the arrest. In cases in which a reason was given, it was always linked to terrorist allegations, typically linked to ISIS. None knew whether their relatives had been brought before a judge in the allotted amount of time. Researchers observed that thousands of prisoners facing terror charges are held for months before they see a judge, during which time they are not allowed to communicate with their relatives, and during which time their families generally receive no notification about their whereabouts and fail to obtain information about their relatives despite their best efforts.

The United Nations Standard Minimum Rules for the Treatment of Prisoners requires notification of family and communication with them, a requirement numerous officials in Iraq told researchers they see as a legal obligation.

Armed Forces	Under the Official Command of	No. of Disappearances Forces Are Implicated In	Logo
PMF group Kata'ib Hezbollah	Prime Minister	28	
Prime Minister's Special Force	Prime Minister	14	
National Security Service (NSS)	Prime Minister	12	
Counterterrorism Service (CTS)	Prime Minister	6	
PMF forces with unclear affiliation	Prime Minister	6	
Ministry of Interior's Intelligence and Counter Terrorism Office	Minister of Interior	4	
Asayish	Kurdistan Regional Government	3	
Forces from the Anbar Operations Command	Minister of Defense	1	
Federal Police	Minister of Interior	1	
PMF group Asa'ib Ahl Al-Haqq	Prime Minister	1	
PMF group Badr Organization	Prime Minister	1	
Police	Minister of Interior	1	
SWAT (Special Weapons And Tactics)	Minister of Interior	1	

\*Where an individual was disappeared in joint operations by two or more forces, their disappearance is logged with both forces involved.

In all of the 78 cases Human Rights Watch documented in this report however, families were unable to communicate with their detained relatives or obtain any information about them through official channels, either through their own requests for information, or through Human Rights Watch.

All of those disappeared from checkpoints but one were Sunni men and boys from areas that fell under Islamic State control for varying periods of time, and the disappearances took place as part of terrorism screening procedures. The apprehensions from homes were in some cases security sweeps of residents residing in areas formerly under the control of ISIS while others were seemingly targeted arrest operations.

The disappearances were carried out by a range of security forces, including, the Anbar Operations Command, Counter Terrorism Service (CTS), PMF, Federal Police, Ministry of Interior's Intelligence and Counter Terrorism Office, National Security Service (NSS), SWAT (Special Weapons And Tactics), Prime Minister's Special Forces (a set of units charged with the protection of the Prime Minister, the International Zone in Baghdad, as well as the city itself), and Kurdistan Regional Government's Asayish Forces.

The accounts of the disappearances documented for this report focus on both the forces involved in the disappearances, and the location and manner in which they took place. The accounts represent a snapshot of disappearances perpetrated by the different actors in Iraq between 2014-2017. Given the small sample size these findings cannot be viewed as representative of disappearances in Iraq, they do however highlight certain key actors, weaknesses within the system of law enforcement, and potential trends.

## **Detentions at Checkpoints as Part of Terrorism Screening Procedures**

Human Rights Watch has documented 33 cases in which Iraqi security forces at checkpoints disappeared Sunni men and boys from areas that fell under ISIS control, and one more instance where the individual detained was not from former ISIS-controlled areas. The disappearances took place between July 2014 and October 2017 and were carried out by the Anbar Operations Command, Asayish, CTS, and PMF.

### *Anbar Operations Command*

Human Rights Watch has documented one case in which the Anbar Operations Command, an integrated military and security command, was implicated in the enforced disappearance of eight Sunni men who were displaced by the fighting against ISIS in Anbar governorate from a checkpoint in October 2017.

“Ziad,” 38, a laborer, and his family fled from the town of al-Baghdadi in Anbar, 180 kilometers northwest of Baghdad, along with 50 other families in August 2014, when ISIS took control, inviting airstrikes and other attacks from the Iraqi army, Ziad’s wife “Rawan,” 29, said.<sup>16</sup> Their family fled to different areas, ending up in 2017 in a camp for the displaced in Nineveh. According to Rawan, in October 2017 her family as well as other families from al-Baghdadi left the camp in four government buses to return home since their town had been retaken by Iraqi forces in 2015. When the busses reached Suqur checkpoint, the main checkpoint between Anbar and Baghdad, she said soldiers in uniforms with the Anbar Operations Command insignia, who man the checkpoint, screened the identity cards of the men on the buses, and then forced her husband and seven other men from the group to remain with them without explanation, before escorting the rest of the group to al-Khalidiya Central Camp in eastern Anbar. “Since then I have had no news of my husband,” she said, and added that she was too fearful to pursue more information on his whereabouts and wellbeing.

### *Asayish*

Human Rights Watch documented a case in which Peshmerga forces operating a checkpoint near the frontline with ISIS in 2015 detained two individuals and apparently handed them over to the custody of Asayish forces, as is the general practice in the Kurdistan Region of Iraq.<sup>17</sup>

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<sup>16</sup> Human Rights Watch interview with Rawan, al-Baghdadi, May 2, 2018.

<sup>17</sup> Email message from Dr. Dindar Zebari, chairman of the Kurdistan Regional Government’s (KRG) High Committee to Evaluate International Organizations’ Reports, to Human Rights Watch, January 17, 2017, [https://www.hrw.org/sites/default/files/supporting\\_resources/gl.2017.1.10.krg\\_response\\_to\\_hrw\\_findings\\_and\\_questions\\_on\\_the\\_treatment\\_of\\_child\\_terrorism\\_suspects.pdf](https://www.hrw.org/sites/default/files/supporting_resources/gl.2017.1.10.krg_response_to_hrw_findings_and_questions_on_the_treatment_of_child_terrorism_suspects.pdf).



Map showing locations at which individuals were detained from and then disappeared.

On the night of October 30, 2015, after an airstrike on the ISIS-controlled town of Qayyarah in Nineveh governorate, some civilians including “Malik,” 23, and his cousin “Maqsud,” 27, fled, according to Malik’s father, “Sufyan,” 52.<sup>18</sup> Sufyan said he spoke to his son, who said they were heading in the direction of al-Kuwayr, a village in the area where Peshmerga were present and manning a checkpoint at the time. He said he never heard from his son again and his son’s phone was then switched off.

Several months later, Sufyan said he attended a meeting in Qayyarah between a tribal sheikh and a group of Peshmerga officers. He said he asked a Peshmerga officer who was there about his son and cousin. The officer remembered them and said he had been present at the checkpoint and had transferred them and other young men he had detained into the hands of the Asayish. He put Sufyan in touch with an Asayish officer, who then

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<sup>18</sup> Human Rights Watch telephone interview with Abo Ala, Qayyarah, April 23, 2017.

asked Sufyan for about US\$4,800, to facilitate his release. Sufyan refused, saying he did not have the means. Since then he has tried to obtain information on their whereabouts but has failed.

In another instance, Asayish forces running a checkpoint in the disputed territories disappeared another man. “Ayman,” 37, described to his father how he was detained by Asayish security forces on April 14, 2016 at the Taza checkpoint, 15 kilometers south of Kirkuk city. According to his father, Ayman told him the Asayish took him to a facility in Sulaymaniyah governorate. He said Ayman was never given a reason for the arrest and never brought before a judge during his time there. He also was not allowed any contact with his family or a lawyer. Eventually, on December 28, 2016 the Asayish handed Ayman to the Ministry of Interior’s Intelligence and Counter Terrorism Office in Kirkuk and nearly one year later, on December 11, 2017, he was taken to court and convicted under provision 4 of the counterterrorism law for a bombing in 2015 on a street in Kirkuk city and sentenced to 15 years. His father said he learned the details of what happened when he first saw his son in court in December 2017, before which he contacted various authorities trying to locate him but was unable to do so.<sup>19</sup>

### *Counter Terrorism Service*

During the battle for Mosul, the CTS established a central screening checkpoint south of Mosul from October 2016 to August 2017, known as Scorpion Junction. Human Rights Watch has documented five enforced disappearances by the CTS of Sunni men and boys, who had lived in the Mosul area under ISIS from Scorpion Junction in August 2017. In all cases, the interviewees said they knew CTS was responsible for the disappearances because of the officers’ uniform logos.

CTS forces manning the checkpoint detained “Atheer,” 15, and his brother “Saddam,” 17, from Tal Afar, on August 28, 2017, their mother said.<sup>20</sup> She said CTS forces took her sons, both students due to go back to school in September, out of the family’s car at the checkpoint after inspecting their identity cards.

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<sup>19</sup> Human Rights Watch telephone interview with Ayman, Tuz Khurmatu, February 5, 2018.

<sup>20</sup> Human Rights Watch interview (name withheld), Nimrud, January 31, 2018.

We were all in a car together, the officers stopped the car, and took them out of the car, and said we would see them again in four days. I have no idea why they wanted to question them, they are just boys. While we were there, I saw the officers take at least 10 people who really looked like boys out of buses transporting large numbers of displaced families.

She said that despite the assurances from the officers that her sons would return in four days, since their arrest they have vanished and no government entity has given her any information about their fate or whereabouts, despite her requests for information.

CTS officers at Scorpion Junction also detained “Ali,” 43, from Tal Afar, on August 20, 2017 after checking his identity card while he was in his car, according to his wife who was with him. She contacted the security forces to try to locate her husband but was unable to.<sup>21</sup> “Latifa,” 33, said the same thing happened to “Salahaden,” 41, and “Badir,” 60, her husband and father from Samarra, as the three of them were passing the checkpoint in their car and an officer checked their identity cards on August 30, 2017.<sup>22</sup> She said that she has not seen her relatives since and that despite multiple requests, no government entity gave her any information about their fate or whereabouts.

All the families who had relatives detained at Scorpion Junction said they feared inquiring more forcefully into their relatives’ whereabouts, worried that it might worsen the circumstances of their relatives who were being held or lead to their own arrest.

### *PMF*

The highest number of disappearances documented by Human Rights Watch, 36 cases, was perpetrated by different groups of the PMF. The PMF brought together a number of new and preexisting armed groups under one banner soon after ISIS took control of Mosul in June 2014 and former Prime Minister Nouri al-Maliki and Iraq's supreme Shia religious cleric Grand Ayatollah Ali al-Husseini al-Sistani called for men to join the fight against ISIS. In February 2016, Prime Minister Haider al-Abadi issued Order 91, officially incorporating the PMF as an “independent military formation” within Iraq’s security forces under the prime minister’s command. On November 26, Iraq’s parliament passed a law formalizing

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<sup>21</sup> Human Rights Watch interview (name withheld), Nimrud, January 31, 2018.

<sup>22</sup> Human Rights Watch interview with Latifa, Nimrud, January 31, 2018.

the decision. Until then, PMF groups operated with the support or acquiescence of the Iraqi government, taking part in Iraqi military operations alongside other Iraqi forces, and erecting checkpoints and carrying out security screenings based on databases of individuals wanted by the Iraqi state.

Of the 36 documented PMF disappearances in this report, witnesses said 26 of them took place when PMF forces detained the individuals at checkpoints. Of those 26 cases, witnesses say they believed, based on the flags and logos they saw, that Hezbollah Brigades carried out 24 of the disappearances. In two instances witnesses did not know which PMF forces were responsible.

One of the disappearances occurred at a checkpoint in Musayyib, another at the al-Hwesh checkpoint located along the road between Samarra and Tikrit, 57 kilometers north of Yathrib, one in Yathrib, one in Hilla, two in the town of Owainat, 10 kilometers south of Tikrit, one at al-Wind checkpoint, south of Jurf al-Sakher, another at a checkpoint in Jurf al-Sakher and 18 at al-Razzazza checkpoint, between May 2015 and January 2017.<sup>23</sup>

All of the documented cases of men disappeared by the PMF from these checkpoints were Sunni and from areas that had come under ISIS control.

### **Disappearances at al-Hwesh Checkpoint**

On January 20, 2017, “Hussein,” a 27-year-old friend of “Abad,”<sup>30</sup> offered to drive Abad and his family, from Kirkuk to their home town, Yathrib, Hussein told Human Rights Watch.<sup>24</sup> Although everyone possessed security clearance from a range of forces including the PMF group Saraya al-Salam, Iraqi Army, intelligence forces, and local police forces, men wearing civilian clothes stopped them at al-Hwesh checkpoint at around 4 p.m. The checkpoint is permanent; located along the road between Samarra and Tikrit, 57 kilometers north of Yathrib; and manned by intelligence officers, local police, PMF intelligence officers, and Saraya al-Salam, he said. Hussein said a few of the PMF officers began asking the family where they were going and where they came from. They then arrested him and the family has heard nothing of him since.

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<sup>23</sup> “Two and a half years after the arrest of civilians in al-Razzazza” (“عامان ونصف على اعتقال مدنيين بالرزازة”), Alsharqiya, April 15, 2018, <https://www.alsharqiya.com/news/index.php/اعتقال-مدنيين-بالرزازة-عامان-ونصف-على/> (accessed June 11, 2018).

<sup>24</sup> Human Rights Watch interview with Hussein, Kirkuk, February 5, 2017.



Map showing locations at which individuals were detained from and then disappeared.

### Disappearances at Musayyib Checkpoint

On June 15, 2015, PMF forces at a checkpoint in Musayyib, a town in Babil governorate, detained “Tahir,” 31, a truck driver from Mosul, according to his brother and “Hasiba,” a teacher from Mosul who witnessed the events.<sup>25</sup> Hasiba said she was coming back from Baghdad, where she went to collect her retirement salary, to Mosul, via the route that passed through the Musayyib checkpoint, which was being manned by masked men wearing black uniforms and carrying two flags. She said one flag bore the Hezbollah logo. She told researchers she saw the masked men stop about 30 civilian cars while she was at the checkpoint, taking the men out, blindfolding and handcuffing them, and putting them in a bus. She said they forced the women and children to hail rides to Kirkuk but kept the men and the cars. Tahir’s brother said he had spoken to his brother on June 15 as he was arriving at the checkpoint in Musayyib, after which his brother hung up and then stopped

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<sup>25</sup> Human Rights Watch telephone interview with Hasiba, Baghdad, April 12, 2017.

replying to his calls, with his phone later switching off. He has not spoken to his brother since June 15, 2015 and has been too scared to pursue more information.



Map showing locations at which individuals were detained from and then disappeared.

### **Disappearances at Owainat Checkpoint**

At 11:30 a.m. on July 7, 2015, cousins “Samer,” 19, and “Anah,” 22, both unmarried students from Tikrit, vanished as they traveled from Tikrit south to the town of Owainat in Anah’s car, according to Samer’s father.<sup>26</sup> He said he was in touch with his son until they were arriving in Owainat, after which their phones were switched off. He said the next day, a friend who is a PMF member and also works in the penitentiary system called him saying Hezbollah forces had detained the two cousins en route, and they were being held in Samarra prison, an official detention facility. Samer’s father said two months later, he traveled to Samarra Operations Command and registered Samer and Anah’s names as

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<sup>26</sup> Human Rights Watch interview (name withheld), Baghdad, October 17, 2016.

missing. At the same time, he spoke to guards at two prisons in Baghdad but in both instances the guards said they checked their database and had no prisoners by his son's names. In the nearly four years since their disappearance he has requested but not been able to obtain any official acknowledgement that they are being held by government forces or any information about their fate or whereabouts.

### **Disappearances at al-Razzazza Checkpoint**

Sunni Arab families across Iraq speak with fear about al-Razzazza checkpoint in Karbala governorate, a checkpoint established in 2014/2015 by Hezbollah Brigades as a response to ISIS presence in Anbar and the main checkpoint for travelers passing from Anbar to Baghdad, Karbala, or Babil. Until it was dismantled in late 2016 or early 2017, a range of government forces were present at the checkpoint, but Hezbollah forces were the primary authorities there, conducting the security screenings and arrests, according to the families who passed through.

The families with relatives taken at al-Razzazza checkpoint, said they went to different courts to request information on their whereabouts and showed Human Rights Watch the related paperwork, including stamped court documents. In all of the cases, the families tried to obtain information through official channels about their disappeared relatives but did not receive any. In all but one case, the disappeared men never returned home.

On May 23, 2015, a group of four men, "Hakim," 37, "Mahmood," 33, "Matashar," 34, and "Abdul," 35, all taxi drivers from the same tribe, displaced from their homes in al-Zangourah, Anbar governorate, were en route to collect humanitarian assistance in al-Khalidiya, also in Anbar, along the highway between Ramadi and al-Khalidiya, according to Hakim's brother.<sup>27</sup> His brother said that at about 3 p.m. Hakim called him and told him that he and the three other men had been stopped by Hezbollah Brigades at al-Razzazza checkpoint and that they were detaining them. His phone was switched off after that, and their families are all too afraid to contact Hezbollah to search for their relatives, the brother said. The men have been missing since then.

On November 13, 2015, law student "Nasim," 26, was on a bus from Karma, in Anbar governorate where he is from, to Baghdad to start a new university semester, his brother

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<sup>27</sup> Human Rights Watch interview (name withheld), Baghdad, October 17, 2016.

told Human Rights Watch.<sup>28</sup> He said he spoke to Nasim at 11:30 a.m., just before Nasim was to pass through al-Razzazza checkpoint. He said shortly afterwards, Nasim's phone switched off. That night, Nasim's father called the bus driver to ask about his son's whereabouts. The driver told him that Hezbollah forces manning the checkpoint had removed Nasim from the bus, seemingly without cause, his brother said. Nasim's family registered his name with the Anbar Provincial Council, they said, and asked about him at Muthana Airport prison in Baghdad but prison guards said he was not there.

"Akil," 34, from then ISIS-controlled al-Qaim, was in a car with a group of fellow civil servants from the Ministry of Industry and Minerals on November 15, 2015 according to his father.<sup>29</sup> He said they were trying to get to Baghdad with ministry paperwork they had smuggled out of the city. At around 10:30 p.m., they were passing through al-Razzazza checkpoint where Hezbollah forces detained Akil, the other workers told his father later. He said he has tried to get news of his son including by contacting staff at the Ministry of Industry and Minerals by phone but that he has received no response.

On December 20, 2015, Hezbollah forces at al-Razzazza checkpoint detained "Wisam," 63, and his son "Amir," 22, according to Wisam's father "Khalaf," from al-Qaim, but allowed Khalaf's wife and five daughters who were also traveling with them to go through.<sup>30</sup> Six days later, the same forces at the checkpoint detained Khalaf's cousin "Abdul Razzaq," 19, letting his mother, who was with him, go. He said he has been trying to locate all three men ever since, and has appeared before judges at three separate courts in Anbar governorate, with judges signing documents of proof of disappearance and opening an inquiry into their whereabouts, but has obtained no information.

"Nawar," 53, from al-Qaim made it to al-Razzazza checkpoint with his two sons "Bilal," 24 and "Yassar," 21, both students, having fled ISIS on January 4, 2016, having tried but failed to escape several times before.<sup>31</sup> He described how his sons were detained by Hezbollah at the checkpoint, despite assurances from a fighter that there was no evidence against them. He said:

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<sup>28</sup> Human Rights Watch interview (name withheld), Baghdad, August 5, 2016.

<sup>29</sup> Human Rights Watch interview (name withheld), Baghdad, September 15, 2017.

<sup>30</sup> Human Rights Watch interview with Khalaf, Baghdad, September 15, 2017.

<sup>31</sup> Human Rights Watch interview with Nawar, Baghdad, September 15, 2017.

We arrived at the checkpoint at 3 p.m., after two days of traveling and being screened at two previous checkpoints. I saw Hezbollah forces at the checkpoint and a caravan with their logo on it behind the checkpoint. First, they searched all of our bags, then one masked man came up to us and asked where we were from and what tribe we were from. He took our identity cards and returned a few minutes later with another masked man who took Bilal into the caravan, and a few minutes later, came and took Yassar away in the same direction. One of the guys came out of the caravan, handed me my identity card and said, “Your sons have nothing against them, but we need to investigate them and then we will let them go.”

Nawar said he left, went straight to the Anbar Provincial Council office, then to the Ministry of Interior’s inspector general, the speaker of parliament, numerous members of parliament, until finally, he got a letter on March 29 from the Prime Minister’s Office ordering the Ministry of Interior to locate the men. He said he has not received any information from the Ministry of Interior or any other government entity about the fate and whereabouts of his sons since.

“Jabar,” 68, from al-Qaim, said that according to his sons’ wives, Hezbollah detained his sons “Naif,” 39, and “Azam,” 21, both laborers, at al-Razzazza checkpoint on March 3, 2016 as they were traveling with their families to Baghdad. He said Hezbollah forces released the women and children traveling with Naif and Azam, who said that they provided no reason for detaining the two men.<sup>32</sup> One of his son’s wives called him to tell him what happened after their husbands were detained, once the women and children had made it to Baghdad.

“Abd al-Khalaq,” 52, was traveling from Baghdad to Mosul on March 12, 2016 in a shared taxi, his wife told Human Rights Watch.<sup>33</sup> She said he was returning to their house and his shop in Mosul, which he had to abandon two years earlier because of ISIS’ control of the city. She told researchers he called her at around 9 a.m. just as he was arriving at al-Razzazza checkpoint. An hour later, she said that when she tried him on his phone it was

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<sup>32</sup> Human Rights Watch interview with Jabar, Baghdad, September 15, 2017.

<sup>33</sup> Human Rights Watch interview (name withheld), Baghdad, September 16, 2017.

switched off. “We had sent a driver we knew to meet him in Rutba, about 300 kilometers west of Razzazza,” she explained. “So at 2 p.m. I called the driver, who said he had never arrived there. I kept calling his number at around 6 p.m. his phone was on again but no answer, and then it turned off 15 minutes later.” She traveled to Karbala governorate and Baghdad governorate where she said she contacted prisons, and intelligence offices, as well as the courts seven times, but has been unable to locate him.

“Shamal,” 37, from al-Qaim, said he was on the phone with his brother “Salam,” 33, a shopkeeper, on January 12, 2016 when Salam and other relatives were fleeing toward Baghdad because of fighting between government forces and ISIS in al-Qaim.<sup>34</sup> When they arrived at al-Razzazza checkpoint, his brother hung up, and very soon after, his phone was turned off, Shamal said. Shamal, has not heard from Salam since. Several hours later, Salam’s wife called Shamal, and said that Hezbollah forces at the checkpoint had detained Salam. Shamal said her taxi driver drove her on to Amiriyat al-Fallujah camp for the displaced. He said the family has had no news of Salam since.

## Home Arrests

Human Rights Watch documented 37 cases in which individuals were detained by military or security forces from their homes. In 19 cases individuals were detained from their homes in Baghdad. In five cases, these arrests happened after anti-ISIS military operations and in three cases, they happened after other major security incidents.

### *Detentions from Homes in Baghdad*

Human Rights Watch documented 19 cases in which individuals were detained from their homes in Baghdad and disappeared. In most of the cases, the families of those detained were given no reason behind the arrest, although they suspect it was related to their identity as Sunni Arabs and that the arrests were broadly linked to counterterrorism operations, a justification used across Iraq for arrest campaigns.

These detentions were carried out by a range of the prime minister’s security forces, NSS, SWAT, and Ministry of Interior intelligence forces between April 2014 and July 2016. Those

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<sup>34</sup> Human Rights Watch telephone interview with Shamal, Amiriyat al-Fallujah, September 15, 2017.

responsible for the detentions identified themselves at the time or were identified by witnesses.

### **Ministry of Interior Intelligence and Counter Terrorism Office**

On August 28, 2014, six officers identified themselves as Ministry of Interior intelligence forces when they detained “Khaled,” 27, a laborer, from his home in Baghdad’s al-Kifah street at 1:30 a.m., according to his brother who was also home at the time.<sup>35</sup> His brother said they entered their house and asked Khaled and his wife basic questions about their names, ages. They then accused them of hiding weapons and conducted a search, saying they were looking for weapons. They did not find any weapons but Khaled’s brother said he saw them handcuff Khaled and take him away, confiscating his phone too. His brother said he went to several security offices, prisons, and courts, all in Baghdad, but could not find Khaled or any information about where he was. “I have no idea why they targeted us and took my brother,” he said.

### **National Security Service and SWAT**

In one case, a woman living in Baghdad said NSS and SWAT forces, who she could recognize because of the logos on their uniforms, detained her unmarried son “Shaiab,” 28, on July 13, 2015 from their home.<sup>36</sup> NSS and SWAT forces are both under the Ministry of Interior. She said the forces first came to her house on July 11, 2015 but did not take her son who was sick and in bed then. She said when they returned two days later, the same forces said his name matched that of a wanted ISIS member and took him away. A relative who works for the government told her Shaiab was being held at the Baghdad International Airport prison. She said she tried to get access to the prison but was turned away by an officer saying her son was not there. She said she visited another prison in Baghdad but still could not find him. Since his detention she has not seen him and no government entity has given her any information about his fate or whereabouts, she said.

“Fawad,” 55, was a pilot with the Iraqi Air Force, his brother, “Laqman,” told Human Rights Watch.<sup>37</sup> On August 20, 2014, Laqman said he saw about 12 civilian and security vehicles pull up outside their house in al-Mada'an neighborhood of Baghdad, and officers entered

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<sup>35</sup> Human Rights Watch interview (name withheld), Baghdad, December 18, 2016.

<sup>36</sup> Human Rights Watch interview (name withheld), Baghdad, September 28, 2016.

<sup>37</sup> Human Rights Watch telephone interview with Laqman, Kirkuk, March 1, 2018.

the house, demanding to arrest the “terrorist pilot.” He said Fawad fled the house and remains in hiding. Nearly two years later, Laqman said that on July 24, 2016, at around 6 p.m., he was home when eight armed men arrived in a black vehicle and detained three of his other brothers: “Bashar,” 51, a civil servant, and “Muhammad,” 46, and “Abduladem,” 43, both mechanics. Laqman said he contacted a range of officials trying to find out what happened to his brothers. In response, he said he received two official letters, which he showed to Human Rights Watch.

One dated June 18, 2017, from the Intelligence and Counter Terrorism Office to the Head of the Security and Defense Commission, stated the three brothers are not wanted, nor in custody. A second letter dated May 29, 2017, from the High Judicial Council, requested all ministries and courts to search for the brothers. Laqman said no ministries or courts responded to the letter or took any apparent action in response to the request.

Finally, Laqman said he spoke to two individuals working in the penitentiary system who told him confidentially all three were held by the NSS, but said they were too scared to share more details. Laqman said he was too scared to search for them, worrying he might get detained himself, and has not been able to contact his brothers or obtain any other information about their fate and whereabouts.

### *Prime Minister’s Forces*

Close to midnight on June 13, 2014, a group of armed men stating they were the Prime Minister’s Special Forces, and wearing green and brown uniforms, stormed the home of “Kamal,” 55, a laborer in the Dora neighborhood in Baghdad, his wife said.<sup>38</sup> She said they broke down the door, dragged Kamal from his bed into the kitchen, and confiscated his phone and laptop, before detaining and taking him away. His wife said they did not provide any reason for the arrest but that Al-Qaeda and ISIS supporters were present in the area where they lived. She said she went to a range of different security offices, courts, and prisons asking about her husband but has not located him or received any information about what happened to him.

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<sup>38</sup> Human Rights Watch interview (name withheld), Baghdad, July 10, 2017.

### Baghdad Arrests of April 21, 2014

Researchers spoke to the families of 13 men detained in Rahmania and Sheikh Ali neighborhoods of Baghdad nine days before Iraq's scheduled parliamentary elections. At the time, Nouri al-Maliki was still prime minister. Witnesses to the arrests did not observe anything that allowed them to identify the reason for the disappearances but, a community representative living in Sheikh Ali told Human Rights Watch he knew of many Sunni neighborhoods targeted at the same time, linked to the government's concerns around Al-Qaeda and ISIS recruitment in this and other neighborhoods. He did say however, that he believed there was a chance the arrests were instead linked to the elections and concerns around who local imams would tell the residents to vote for.<sup>39</sup>

He said he had drawn up a list of all the detentions that day, going house to house and interviewing each family and said that in total on April 21, forces detained 40 men from the neighborhood, including one blind man.

Those interviewed were not sure which of the various forces under the prime minister's control including his Special Forces, Counter Terrorism Forces, or *Mukhabarat*, were responsible.

According to the sister of laborers "Abdullah," 38, and "Qais," 35, at around 2 a.m. on April 21, 2014, she saw several black vehicles with falcon stickers, a logo of members of several different Iraqi forces, on the doors pull up outside their home in Rahmania neighborhood, Baghdad.<sup>40</sup> She said 10-12 officers in black with red berets entered their home and said they were from the Prime Minister's Office. They asked for her brothers and then drove away with them without explanation, she said. After two days of silence, she said she went to the Ministry of Interior, where officials said they had no information about her brothers' whereabouts. She tried to visit Baghdad International Airport prison and Abu Ghraib prison but officials there told her that her brothers were not held in either facility.

Additionally, at around 2 a.m., a team of four officers detained "Omar," 38, from his home in neighboring Sheikh Ali neighborhood of Baghdad, his wife said.<sup>41</sup> According to her, they

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<sup>39</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

<sup>40</sup> Human Rights Watch interview (name withheld), Baghdad, September 25, 2016.

<sup>41</sup> Human Rights Watch interview (name withheld), Baghdad, September 25, 2016.

entered the house and identified themselves as forces from the Prime Minister's Office. She said they had the falcon logo on their uniforms. They handcuffed her husband and took him away without providing any reason. Since then, she said she contacted numerous prisons in Baghdad and in neighboring governorates trying to find him but the guards at all the prisons told her he was not a detainee there.

The wife of "Hardan," 42, told Human Rights Watch that men wearing black uniforms and red berets introduced themselves as forces from Muthana airport prison and entered their home on Haifa street in Sheikh Ali neighborhood at 2:15 a.m.<sup>42</sup> She said they took her husband, stating they needed to speak with him and instructed her to go to the Muthana airport prison in the morning to pick him up. She said when she appeared at Muthana airport at 6 a.m. the next day, the officers said they could not find him in their database. She has not heard from him since.

The sister of "Hussam," 57, a water truck driver and "Dawad," 42, an employee at the Youth Ministry, told Human Rights Watch she saw a group of forces in black Humvees and a pickup truck, all with the falcon logo, arrive outside their home the same neighborhood. Five officers came to the door and demanded entry, detained her brothers at 2:30 a.m. saying they needed to question them but would bring them home shortly.<sup>43</sup> She said their family said they contacted every security, intelligence, prison, and judicial office they could think of for information, with each one saying they had no knowledge of the detention or whereabouts of her brothers.

According to the sister of "Khalil," 47, a primary school teacher, forces came to their home at the same time, in the same neighborhood. As several men barged into their home and stormed upstairs demanding to take Khalil, his two sisters went running after them. "They had cut the electrical wires to our house, so we could not turn on the lights. A few of them told his sisters to wait a room and closed the door, ordering them to stay there. As they did that, I asked one of them who sent them. He said they were forces linked to Maliki's Dawlat al-Qanoon [State of Law] coalition," Khalil's sister said.<sup>44</sup> She said they went to the speaker

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<sup>42</sup> Human Rights Watch interview (name withheld), Baghdad, September 25, 2016.

<sup>43</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

<sup>44</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

of parliament a few days later, asking for his help, but he did not follow up or contact them again.

The same thing happened to “Sufian,” 35, a taxi driver, according to his aunt who was home at the time. The wife of “Mahnad,” 42, a construction worker, said the men who took her husband at the same time and in the same neighborhood identified themselves as military intelligence officers.<sup>45</sup>

### *Home Arrests During Anti-ISIS Military Operations*

Human Rights Watch documented five cases, in which PMF and Ministry of Interior’s Intelligence and Counter Terrorism officers disappeared Sunni men and boys during or after military operations against ISIS. The disappearances took place between June 2015 and August 2017.

According to his wife, who was present at the time, at 5 p.m. on September 9, 2014, PMF detained “Yusuf,” 60, a farmer, from his home in al-Abbasiyyah sub-district in Samarra, at a time when the area was seeing continuous ISIS attacks targeting military installations. She was able to identify the arresting forces as members of the PMF because of their flags and logos on their uniforms. She said they provided no reason for taking him.<sup>46</sup> At the time, she said that she had seen forces wearing the logos of both Badr and Saray Ashura in the area, as well as the Federal Police. His family has inquired at a prison in Baghdad but received no information since, she said.

“Akram” told researchers that at 2:30 p.m. on June 6, 2015, 50 masked men in eight Humvees flying the flags of Hezbollah, which he recognized, arrived at his home in the village of al-Majer, near Ramadi in Anbar governorate, after it was retaken from ISIS.<sup>47</sup> He said the fighters demanded to detain his sons “Ahmed,” 24, and “Ibrahim,” 22, both university students. Akram told Human Rights Watch that Hezbollah forces detained approximately 44 men from the village that day, none of whom had been released according to their families. Akram has not had any communication with his sons since

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<sup>45</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

<sup>46</sup> Human Rights Watch interview (name withheld), Baghdad, October 17, 2016.

<sup>47</sup> Human Rights Watch interview (name withheld), Baghdad, April 21, 2017.

their detention and has been too scared to seek information about where they currently are or why they are being detained.

“Hanaa” told Human Rights Watch that ISIS had killed her eldest son, a local policeman in their neighborhood of Hai Bakir in Mosul.<sup>48</sup> She said that after his death, in 2015, she fled with her other children to Qayyarah, 60 kilometers south of Mosul, which was also under ISIS control at the time. In August 2016, once the Iraqi government retook the area from ISIS, six Counter Terrorism Service officers came to their house, she said, and they interrogated her son “Sami,” 17, a secondary student, who admitted that he had joined ISIS for about ten days in 2014 or 2015. She said the officers said they would not arrest him, because of his age. Ten days later, while she was home with her family, she said three officers wearing badges stating they were from the Ministry of Interior’s Intelligence and Counter Terrorism Office returned to the house and arrested him, telling her it was because he had joined ISIS. In September 2016, while she was home, ten officers wearing badges stating they were from the Intelligence and Counter Terrorism Office returned to their home and detained Hanaa’s unemployed middle son “Sarmad,” 30, without providing a reason.<sup>49</sup> The family has not heard from either since. Hanna said Sarmad’s wife was 9 months pregnant when intelligence officers disappeared her husband. Their daughter is now 4 years old.

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<sup>48</sup> Human Rights Watch interview with Hanaa, Qayyarah, January 18, 2017.

<sup>49</sup> Human Rights Watch interview with Hanaa, Qayyarah, January 28, 2017.



Map showing locations at which individuals were detained from and then disappeared.

“Zainab,” 41, from Tal Afar, said she was in al-A’yadhia when Iraqi forces retook the area from ISIS in late August 2017. She said that first, the Iraqi army carried out searches of all the homes, after which men wearing PMF badges conducted another round of searches, and detained her son, “Najeeb,” 21, a student. She said she believed the badges represented a range of PMF groups, so did not know which specific group detained her son.

### *Home Arrests Following Major Security Incidents*

Human Rights Watch has also documented mass roundups and disappearances of individuals from their homes following major security incidents including following fighting between supporters of the antigovernment Shia cleric Mahmoud al-Sarkhi and Iraqi forces in 2014. In July 2014 followers of al-Sarkhi clashed violently with Iraqi forces after SWAT and police forces attempted to arrest the cleric. During and following the clashes, forces

carried out a campaign of mass arrests of men and boys in the neighborhood of Karbala city, where al-Sarkhi lived.<sup>50</sup>

Another sweep of arrests occurred in October 2015, after a bombing of a Shia mosque in Tuz Khurmau, which killed five people.<sup>51</sup>

### **Mass Arrests following Clashes in Karbala with Sarkhi Followers**

Human Rights Watch interviewed eight Shia families from Karbala city who were followers of Mahmoud al-Sarkhi, who, along with his armed followers, clashed at different times with US forces, Iraqi security forces, and supporters of Grand Ayatollah Ali al-Sistani, the leading Shia cleric in Iraq.<sup>52</sup> Contemporaneous reporting showed that after Iraqi forces tried to arrest al-Sarkhi from his headquarters in Saif Saad neighborhood, clashes broke out close to midnight on July 1-2, 2014.<sup>53</sup> During the clashes, security forces began a mass arrest operation. An activist showed Human Rights Watch a list of 215 names of men and boys, all of whom were taken from Saif Saad neighborhood between July 2 and 3, he said.<sup>54</sup> He also had a list of 18 men and boys killed during the same period. A Reuters report at the time stated that up to 45 individuals were killed in the clashes.<sup>55</sup> A sheikh from the community who intervened after the arrests trying to negotiate the release of all those detained and secured the release of one friend, said those arrested were handed over to the NSS. He negotiated the release of his friend directly with the NSS, who were detaining and interrogating the Sarkhi followers after their arrest.<sup>56</sup>

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<sup>50</sup> Loveday Morris, "Clashes between army, supporters of fringe cleric imperil stability in Iraq's Shiite south," *Washington Post*, July 8, 2014, [https://www.washingtonpost.com/world/middle\\_east/clashes-between-army-supporters-of-fringe-cleric-imperil-stability-in-iraqs-shiite-south/2014/07/08/6ce65047-4133-4cc3-9be8-028448e4dob8\\_story.html?utm\\_term=.39eag4f1ab2a](https://www.washingtonpost.com/world/middle_east/clashes-between-army-supporters-of-fringe-cleric-imperil-stability-in-iraqs-shiite-south/2014/07/08/6ce65047-4133-4cc3-9be8-028448e4dob8_story.html?utm_term=.39eag4f1ab2a) (accessed June 25, 2018).

<sup>51</sup> "Iraq: Ethnic Fighting Endangers Civilians," Human Rights Watch news release, January 13, 2016, <https://www.hrw.org/news/2016/01/13/iraq-ethnic-fighting-endangers-civilians>.

<sup>52</sup> Ahmed Rasheed and Maggie Fick, "Up to 45 killed in clashes in Iraqi holy city of Karbala: sources," Reuters, July 2, 2014, <https://www.reuters.com/article/us-iraq-security-karbala/up-to-45-killed-in-clashes-in-iraqi-holy-city-of-karbala-sources-idUSKBNof722B20140702> (accessed April 17, 2018).

<sup>53</sup> "125 al-Sarkhi followers killed and 350 arrested after clashes in Karbala" (مقتل 125 من اتباع الصرخي واعتقال 350 آخرين حصيلة) (الاشتبكات في كربلاء), Al Sumaria News, July 3, 2014, <https://www.alsumaria.tv/news/104677/alsumaria-news/ar> (accessed April 17, 2018).

<sup>54</sup> Human Rights Watch interview (name withheld), Baghdad, September 16, 2017.

<sup>55</sup> Ahmed Rasheed and Maggie Fick, "Up to 45 killed in clashes in Iraqi holy city of Karbala: sources," Reuters.

<sup>56</sup> Human Rights Watch interview (name withheld), Erbil, July 14, 2018.

In September 2017 Human Rights Watch interviewed the families of seven men and one boy detained and one killed on July 2, all of whom had been members of the Sarkhi movement.

On the night of July 1, 2014, the government sent SWAT and police forces into Saif Saad neighborhood and took full control of the neighborhood by 5 a.m. on July 2, the government and media reports at the time said. All interviewees said gunfire and fires broke out in different houses in the area. None have returned to their homes since, for fear of arrest, and have been displaced since then.

According to “Awdai,” 38, five armed men entered his home at around 11 a.m. on July 2, and arrested two of his brothers, “Nuri,” 31, and “Sadoon,” 33, both government employees.<sup>57</sup> He said that while they did this, they forced Awdai and the rest of the family to leave their home.

As we left, I asked one of the armed men what would happen to my brothers, he said not to worry. We heard gunshots though throughout the neighborhood, and saw burning houses around us, and [we] were so scared; we fled the neighborhood.

About a month later, he approached a local community leader to ask about his brothers. The man said he had no information, so Awdai contacted local police who did not provide him with any information either.

I was too scared to file any official complaint, so I worked through a lawyer. The lawyer made some inquiries and told me that all those detained, including my brothers, were being held in Karbala. A few weeks later he contacted us and said we could no longer be in touch with him. He was getting threats from security forces, and that was it.

“Sabawi,” 41, said a group of armed men came into his home at around 11 a.m. on July 3 and took his brother “Yassin,” 51.<sup>58</sup> “He didn’t pick up his phone after he was taken, and

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<sup>57</sup> Human Rights Watch interview with Awdai, Baghdad, September 16, 2017.

<sup>58</sup> Human Rights Watch interview with Sabawi, Baghdad, September 16, 2017.

four days later, it was switched off. I have not seen him since.”<sup>59</sup> At the same time, according to their brothers, security forces detained “Ma’ath,” 26, and “Shakir,” 35, a prominent member of the Sarkhi movement.<sup>60</sup> Both families said that after 10 days, they returned to the city and started searching for their relatives at the hospitals and police stations but found no traces of them.

### **Mass Arrests Following Terror Attack in Tuz Khurmatu, Salah al-Din Governorate**

Tuz Khurmatu, an ethnically mixed Kurdish, Turkmen, and Arab town in the disputed territories around Kirkuk, 65 kilometers south of the city, was under the joint control of the forces of the Kurdistan Regional Government and a range of PMF groups and local police and the scene of sporadic clashes from 2014 to 2017.<sup>61</sup>



Map showing locations at which individuals were detained from and then disappeared.

<sup>59</sup> Ibid.

<sup>60</sup> Human Rights Watch interview (name withheld), Baghdad, September 16, 2017.

<sup>61</sup> “Iraq: Ethnic Fighting Endangers Civilians,” Human Rights Watch news release.

On October 22, 2015, a car bomb targeted a Shia mosque in Tuz Khurmatu in the Hai Askari neighborhood during the Shia holy month of Muharram. The explosion reportedly killed five people and wounded 40.<sup>62</sup> After the car bomb attack, Turkmen fighters from PMF groups in the area arbitrarily detained at least 150 Sunni Arab residents of the town, according to the mayor of the town, a leader of the PMF there, a Kurdish political party official, an Arab community leader, and a local lawyer.<sup>63</sup> Although they released most within days, some who had been detained told Human Rights Watch that they believed another 50 were still being held by the PMF. The released men said they saw the PMF physically abuse other detainees or that they themselves were abused. They estimated that between eight and 34 of those taken were killed in detention.

The wife of “Bakar,” 35, a local police officer, said after the mosque attack, which took place 100 meters away, four men wearing black uniforms arrived at their home at 6 p.m.<sup>64</sup> They spoke to Bakar in Arabic and then took him away. She went to the local police station and courthouse, but neither had any information about him.

According to the wife of “Aziz,” 32, a laborer, the next day, at around 8 p.m., a car pulled up outside their home. Five men wearing black clothes, masks, and yellow Hezbollah Brigade logos on their uniforms, demanded that he and his father “Sabah,” 70, “come with us.”<sup>65</sup> They spoke Arabic she said, “The next day, I went to the local police, the courthouse, and the intelligence office, but [they] all said they did not have any information.”

In the months following the attack on the mosque, the PMF continued to conduct arrest operations.

The mother of “Mustafa,” 22, a student, said that on December 8, 2015, 12 men in green uniforms stormed their home in Tuz Khurmatu at around noon, demanding to see Mustafa.<sup>66</sup> She said they did not identify themselves, but that she saw some wearing the logo of the PMF’s Badr Organization, which she described to researchers. When Mustafa

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<sup>62</sup> “Killed and wounded by a car bomb in Tuz Khurmatu” (“قتلى وجرحى بتفجير سيارة مفخخة في طوزخورماتو”), Rudaw, October 22, 2015, <http://www.rudaw.net/arabic/kurdistan/221020156> (accessed April 17, 2018).

<sup>63</sup> “Iraq: Ethnic Fighting Endangers Civilians,” Human Rights Watch news release.

<sup>64</sup> Human Rights Watch telephone interview (name withheld), February 5, 2018.

<sup>65</sup> Human Rights Watch telephone interview (name withheld), February 5, 2018.

<sup>66</sup> Human Rights Watch telephone interview (name withheld), Tuz Khurmatu, February 17, 2018.

came to the door, she said she saw them bind his hands and said they needed to interview him but would bring him back in an hour. His mother said they never brought him back, so the next morning she went to her local police station, where she said officers told her they had no information but would keep an eye out for him. She said:

After a week of not hearing anything, I got too scared that the rest of my family was at risk, so I decided we should leave—we moved to Kirkuk. I know I should go back to Tuz to keep looking for my son, but I am not sure when I will do that.

## **Other Arrests of Residents from Areas Formerly under ISIS Control**

Human Rights Watch documented four cases in which, between September 2016 and March 2017, the Federal Police, the Ministry of Interior’s Intelligence and Counter Terrorism Office, and the PMF detained and later disappeared Sunni men and boys from areas formerly under ISIS control in locations other than their homes and checkpoints. These locations include a displacement camp, Baghdad International Airport, Kirkuk courthouse, and the Yathrib local police station. In each case the men were taken without explanation.

### *Federal Police Arrest from Displacement Camp*

In late March 2017, as the battle between ISIS and Iraqi forces raged on inside Mosul, “Musa’ab,” 45, and his family fled Risala neighborhood in west Mosul and arrived at Hammam al-Alil camp for the displaced, he said.<sup>67</sup> He and his oldest son “Saif,” 22, a student, went through a security screening at a checkpoint on the road, and then again upon arrival at the camp. Within hours, the family was waiting to be settled into a tent at the camp when two Federal Police officers in uniform approached them and took Saif away, saying they needed to speak to him. Musa’ab waited for one day, before asking Federal Police officers at the camp about his son. The officers he spoke to said that if Saif had no ties to ISIS he would return shortly, but he never has. Musa’ab has been too scared to follow up again, fearing his own arrest.

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<sup>67</sup> Human Rights Watch interview with Musa’ab, June 5, 2017.

### *Ministry of Interior Intelligence and Counter Terrorism Office Arrests*

In February 2015, two airport officers working for the Ministry of Interior's Intelligence and Counter Terrorism Office detained "Haytham," 33, a laborer from Yathrib, while he was traveling from Baghdad Airport to Sulaymaniyah.<sup>68</sup> His brother told Human Rights Watch that Haytham traveled between Baghdad and Sulaymaniyah many times before and never encountered any problems, but authorities detained him that day while he traveled with a friend. His brother said Haytham's friend called him and said two intelligence officers at the passport control at the airport detained Haytham after checking his identity documents. Haytham's brother hired a lawyer who filed a complaint at the central criminal court in Baghdad but failed to get any more information. Haytham's brother then traveled to Baghdad and inquired about his brother at the airport and at the Baghdad Ministry of Interior's Intelligence and Counter Terrorism Office, but officers at both locations denied detaining Haytham.

The brother of "Nasir," 31, a government employee from Mosul, told Human Rights Watch that on April 24, 2017, he and Nasir went to the courthouse in Kirkuk, where they lived after fleeing Mosul under ISIS, so Nasir could obtain a smartcard to receive his salary.<sup>69</sup> While there, Nasir's brother said, a local police officer arrested him claiming his name was on a wanted list. Nasir's brother said he went to the local police station and then the Intelligence and Counter Terrorism Office the next morning, but both said they had no record of his brother.

In early January, a man was released from an abandoned home being used by the Ministry of Interior's Intelligence and Counter Terrorism Office as a prison in the town of Qayyarah, 60 kilometers south of Mosul. He contacted Nasir's brother, described Nasir and said he was still at the prison, and in bad health because of the conditions at the facility. Human Rights Watch has visited the homes in Qayyarah being used as prisons, and found the conditions to be squalid degrading, to the point that several prisoners had died in custody.<sup>70</sup> A month later, the brother said he went to the prison in Qayyarah, asking to see Nasir:

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<sup>68</sup> Human Rights Watch interview (name withheld), Sulaymaniyah, February 5, 2017.

<sup>69</sup> Human Rights Watch telephone interview (name withheld), Kirkuk, March 5, 2018.

<sup>70</sup> "Iraq: Hundreds Detained in Degrading Conditions," Human Rights Watch news release, March 13, 2017, <https://www.hrw.org/news/2017/03/13/iraq-hundreds-detained-degrading-conditions>.

They didn't let me visit him. The security forces at the prison kicked me out of the main door. I begged them just to let me hear his voice and asked if they could at least record his voice for me to listen to, but they refused.

He has heard no news about Nasir since then, he said.

### *PMF Arrests from Yathrib Police Station*

Human Rights Watch documented two cases in which men from Yathrib trying to obtain security clearances to return to the city were detained and later disappeared by PMF forces.

Yathrib fell to ISIS in June 2014, and was retaken by the PMF in December 2014. Local residents fled their homes in December 2014, during military operations between Iraqi forces and ISIS, to Hawija and from there to camps in Kirkuk governorate or to Sulaymaniyah governorate. There have been years of governmental and community-led efforts to facilitate the return of the families to Yathrib but these efforts have been undermined by the extended disappearance of members of the community.

In one case, the cousin of “Layth,” 35, a taxi driver, said that in September 2016 Layth, who had been displaced to Laylan Camp near Kirkuk since December 2014, called him around noon. Layth told his cousin he was close to Yathrib and was seeking security clearance from the local police station to move back home. PMF forces were in control of Yathrib at the time.<sup>71</sup> Two hours later, his cousin called him, but his phone was switched off, and the family has had no news of him since then.

In another case, on January 15, 2017, forces in Yathrib detained “Nibras,” 62, a retired military officer, and his son “Ra'ad,” 23, a laborer, according to Ra'ad's brother.<sup>72</sup> He said they had gone back to Yathrib to obtain security clearance to return home, and he spoke with them just as they were finishing their paperwork at the local police station at around

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<sup>71</sup> “The Popular Mobilization Forces liberate the area of Yathrib and the Aziz region from the control of Daesh” (“قوات الحشد الشعبي تحرر ناحية يثرب ومنطقة عزيز بلد من سيطرة داعش”), Al Sumaria News, December 27, 2014, <https://www.alsumaria.tv/news/120126/%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D8%B4%D8%AF-%D8%A7%D9%84%D8%B4%D8%B9%D8%A8%D9%8A-%D8%AA%D8%AD%D8%B1%D8%B1-%D9%86%D8%A7%D8%AD%D9%8A%D8%A9-%D9%8A%D8%AB%D8%B1%D8%A8-%D9%88%D9%85%D9%86%D8%B7%D9%82%D8%A9/ar#> (accessed April 17, 2018).

<sup>72</sup> Human Rights Watch telephone interview (name withheld), Baghdad, February 5, 2017.

2 p.m. They said PMF were in control of the area, including forces from the PMF groups Badr and Asa'ib Ahl al-Haqq. Later their phones switched off, and they never returned home. He contacted the army's 74th Brigade, an army unit stationed in nearby Samarra, and the PMF group Asa'ib Ahl al-Haqq, who said they had no information to share.

## **Additional Abuses During Arrest Operations**

Three witnesses to their relatives' disappearance alleged that the Popular Mobilization Forces (PMF) and prime minister's forces used excessive force, in one case leading to a death, during the apprehension process, and in four cases threatened the use of force.

At the time of arrest, in five instances authorities also seized phones, laptops, and in one instance a PlayStation. While the counterterrorism law's provision 6(2) states that, "All funds, seized items, and accessories used in the criminal act or in preparation for its execution shall be confiscated," the families in each instance said these items had not been used for terrorist purposes and that the arresting officers made no attempt of justifying the seizures or returning the items.

### **Local Police and SWAT**

"Tahseen," 25, told Human Rights Watch security forces entered his home in Saif Saad neighborhood at around 10 a.m., during the raids on homes in Karbala city on July 2, 2014 linked to clashes between security forces and supporters of the antigovernment Shia cleric Mahmoud al-Sarkhi (see section above). Because of the raids, one of his brothers, "Salman," 22, fled to a neighbor's house for fear of arrest. Tahseen said he, his father, another brother, and a few other male relatives ran to the roof to try and escape but that five armed men followed them up. Tahseen said he saw the men get into a fight with his father and push him off the two-story building, killing him instantly. Tahseen then escaped from the roof, via neighbor's homes, but as he left, he says he saw the armed men taking his cousin "Hassan," 9, who the family has been unable to locate since. Tahseen said that Salman also never came home after fleeing, and said he believed security forces detained him too.<sup>73</sup>

### **PMF**

"Akram" from al-Majer, near Ramadi in Anbar governorate, said that when the PMF forces detained his sons "Ahmed," 24, and "Ibrahim," 22, he asked the fighters why they were taking his sons. One responded that it was "none of his business" and proceeded to

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<sup>73</sup> Human Rights Watch interview with Tahseen, Baghdad, September 16, 2017.

threaten Akram with his weapon, telling him, “Go to your house, otherwise I will kill you,” he said.

“Hussein,” who saw PMF officers detain his friend “Abad,” 30, on January 20, 2017, said a few of the PMF officers at al-Hwesh checkpoint stopped them and began asking the family where they were going and where they came from. When Abad said Yathrib, the men told him to get out of the car, handcuffed, and blindfolded him, and began striking his back with their weapons before putting him into a vehicle and driving away, Hussein said. “The men who beat Abad told us to leave the area and not come back, otherwise they would arrest the women, so we immediately left.”

## Prime Minister’s Forces

In the majority of cases of those arrested on April 21, 2014 in the run-up to the parliamentary elections, (see section above) interviewees told Human Rights Watch that security forces personnel who detained their relatives did so without using considerable force, though many relatives said they were rough with the detained men as they forced them from their homes. In one case, however, an interviewee said that after men who introduced themselves as “counterterrorism forces from Muthana Airport” entered her home in Baghdad on April 21 at around 2:30 am to detain her husband “Bassam,” 43, an employee at the Ministry of Industry and Minerals, they kicked her son, in his early teens, and threw her against the wall.<sup>74</sup> She said one officer holding a knife also threatened to kill her. In another case in the same neighborhood on the same day, the aunt of “Faras,” 45, a shopkeeper, said security forces in their home threatened to rape her niece but left without acting on their threat.<sup>75</sup> They also took Faras’s two phones she said.

In three other cases in Baghdad on April 21 families said forces took personal property from their homes as they detained their relatives. In Bassam’s case, his wife said the security forces took his laptop, PlayStation and DVD games, and two phones. She said they asked her for a plastic bag to carry everything. Men in black uniforms entered the home of “Saad,” 43, a merchant, took his two phones and laptop and detained him wearing only his underwear, according to his sister who was home at the time.<sup>76</sup> Four

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<sup>74</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

<sup>75</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

<sup>76</sup> Human Rights Watch interview (name withheld), Baghdad, July 15, 2017.

officers also wearing black uniforms entered the home of “Obeid,” 32, a laborer, and detained him, his wife said.<sup>77</sup> His wife told Human Rights Watch that the officers each identified themselves differently, either as belonging to Military Intelligence, the Counter Terrorism Service, or as “Maliki’s men.” She said as they left, they took her husband’s laptop, wallet, and three phones.

In a separate instance on June 13, 2014, a group of armed men stating they were the Prime Minister’s Special Forces stormed the house of “Kamal,” 55, a laborer in the Dora neighborhood in Baghdad, his wife told Human Rights Watch.<sup>78</sup> The forces broke down the door, dragged Kamal to the kitchen, and confiscated both his phone and laptop before detaining him, she said.

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<sup>77</sup> Human Rights Watch interview (name withheld), Baghdad, September 25, 2016.

<sup>78</sup> Human Rights Watch interview (name withheld), Baghdad, July 10, 2017.

## III-Treatment in Unofficial Places of Detention

Iraq's constitution sets out that, "Imprisonment or detention shall be prohibited in places not designed for these purposes, pursuant to prison laws covering health and social care, and subject to the authorities of the State."<sup>79</sup>

Despite requests, researchers have been unable to obtain a list of official detention facilities, but judges and ministry employees across Iraq have said that for civilians, they only recognize detention facilities run by the Ministries of Interior, Justice, and in the case of female and child detainees, Labor and Social Affairs.<sup>80</sup> The Kurdistan Regional Government also has Asayish-run facilities.<sup>81</sup> Any detainees held by other security forces would therefore be held in unofficial places of detention.

Relatives of eight disappeared alleged that in different incidents the Popular Mobilization Forces (PMF), National Security Service (NSS), and the Kurdistan Regional Government's Asayish, held their relatives likely in unofficial places of detention. They did not know how their relatives who were disappeared were treated. However, three of the relatives who were detained themselves along with their disappeared relative but subsequently released said they were physically abused by the PMF or NSS while being detained.

The detainees were apprehended in different locations including from a protest, checkpoints, and off the street. As is often the case with detainees in unofficial places of detention, the disappeared had no access to family members, lawyers, judges, or doctors and in one case, a detainee was released due to the toll the squalid condition of the prison took on his health. Three former detainees Human Rights Watch spoke to also said that they did not know where they were held, and that as far as they knew, they were never charged, nor went through any official legal process before being cleared for release.

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<sup>79</sup> Constitution of Iraq, 2005, art. 19.

<sup>80</sup> Human Rights Watch interview with Justice Minister Haidar al-Zamili, Baghdad, February 2, 2017; Human Rights Watch interview with Judge Riadh Jafar and Judge Jabar Hussein, Baghdad, July 19, 2017.

<sup>81</sup> Human Rights Watch interview with Judge Fadhal Abbas and Judge Masoud al-Sinjari, Erbil, July 5, 2017; Email message from Dr. Dindar Zebari, chairman of the Kurdistan Regional Government's (KRG) High Committee to Evaluate International Organizations' Reports, to Human Rights Watch, January 17, 2017, [https://www.hrw.org/sites/default/files/supporting\\_resources/gl.2017.1.10.krg\\_response\\_to\\_hrw\\_findings\\_and\\_questions\\_on\\_the\\_treatment\\_of\\_child\\_terrorism\\_suspects.pdf](https://www.hrw.org/sites/default/files/supporting_resources/gl.2017.1.10.krg_response_to_hrw_findings_and_questions_on_the_treatment_of_child_terrorism_suspects.pdf).

## Asayish

“Ayman,” 37, described to his father how he was detained by Asayish security forces on April 14, 2016 at the Taza checkpoint and transferred to a facility in Sulaymaniyah governorate. He was unsure of whether he was being held in an official or unofficial place of detention but was not allowed any contact to the outside world and did not think he saw a judge until on December 28, 2016 the Asayish handed Ayman to intelligence services in Kirkuk.<sup>82</sup>

## National Security Service

“Othman,” 22, was apprehended by at least eight men in civilian dress, along with his brother “Munthar,” 23.<sup>83</sup> The brothers were protesting against the presence of armed forces in their neighborhood during the raids on the homes linked to the Sarkhi movement on July 2, 2014.<sup>84</sup>

Othman said that the men in civilian dress grabbed him off the street, blindfolded him, put him into a vehicle, and drove him to a location about 10 minutes away, where they held him for 94 days in a cell alone, before releasing him into the middle of a street in Karbala.<sup>85</sup> He said, “While they held me, they swore at me, slapped me and beat me almost every day with plastic pipes and the butts of their guns, without ever telling me why they had detained me.” He said he was too scared to ask about his brother while he was held nor when he was released. He did not know where he had been held but said he did not think it was an official prison, because of the treatment and because he was never brought before a judge or saw any other signs of state control over the facility. As of June 2018 Munthar had yet to return home according to Othman and his father “Ammar.”

A sheikh from the community who intervened after the arrests trying to negotiate the release of all those detained and secured the release of one friend, said those arrested were handed over to the NSS. He negotiated the release of his friend directly with the NSS, who were detaining and interrogating the Sarkhi followers after their arrest.<sup>86</sup>

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<sup>82</sup> Human Rights Watch telephone interview with Ayman, Tuz Khurmatu, February 5, 2018.

<sup>83</sup> Human Rights Watch interview with Othman, Baghdad, September 16, 2017.

<sup>84</sup> Human Rights Watch interview with Ammar, Baghdad, September 16, 2017.

<sup>85</sup> Human Rights Watch interview with Othman, Baghdad, September 16, 2017.

<sup>86</sup> Human Rights Watch interview (name withheld), Erbil, July 14, 2018.

## PMF

In a second case of an individual eventually released, “Nabahan,” 16, a student from al-Qaim in Anbar governorate told Human Rights Watch that on December 1, 2015 Hezbollah forces in uniforms with the group’s logo stopped him and his relatives at al-Razzazza checkpoint for a day, and then blindfolded him and his three brothers “Osama,” 19, “Humam,” 20, and “Sultan,” 25, and put them on a bus while they left the women and younger children behind.<sup>87</sup> The fighters then drove Nabahan and his brothers to a building where they put them in a large hall with no windows, he said. Nabahan thought there were about 65 to 70 other prisoners there.

The first day we arrived, they took me into a small room and started beating me with a wooden stick, demanding that I admit I am ISIS. I refused. The second day they hung me from my hands and hit me with plastic cables. Another prisoner told me that I should admit I am ISIS, otherwise they will keep abusing me, so the third day I said I was, and then they continued to beat me for two hours.

After 34 days there, Nabahan said Hezbollah guards read a list of names, including his but not his brothers’, and then put him and 62 other detainees on a bus, and drove them blindfolded “a short distance,” to a mosque in Samarra where they handed them over to the PMF group Saraya al-Salam. There fighters let him contact his father, “Zaydoon,” who came and picked him up.<sup>88</sup> Zaydoon said that despite opening an inquiry to find them with the Ministry of Interior’s inspector general immediately after they were arrested, he has not received any information and has not been able to locate his remaining three sons.

A third case of a disappearance that eventually ended in release, was the case of “Karim” from the town of Jurf al-Sakher in Babil governorate. The town fell to the Islamic State (also known as ISIS) in February 2014, before forces, mostly PMF, including from Badr and

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<sup>87</sup> Human Rights Watch telephone interview with Nabahan, Baghdad, April 7, 2018.

<sup>88</sup> “The release of 65 detainees from the al-Razzazza detainees” (“الافراج عن 65 معتقلا من معتقلي الرزازة”), Alsharqiya, <https://www.alsharqiya.com/news/index.php/%D8%A7%D9%84%D8%A7%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86-65-%D9%85%D8%B9%D8%AA%D9%82%D9%84%D8%A7-%D9%85%D9%86-%D9%85%D8%B9%D8%AA%D9%82%D9%84%D9%8A-%D8%A7%D9%84%D8%B1%D8%B2%D8%A7%D8%B2%D8%A9/> (accessed June 11, 2018).

Hezbollah groups, retook it in October 2014.<sup>89</sup> In late October, Babil governorate’s provincial council voted to rename the town Jurf al-Nasr, or Cliff of Victory, for the victory of PMF over ISIS.<sup>90</sup> Residents said that during the fighting between ISIS and PMF, most fled to Musayyib, also in Babil, to the Kurdistan Region of Iraq, or to Baghdad.



Map showing locations at which individuals were detained from and then disappeared.

“Karim,” 70, from Jurf al-Sakher said on September 1, 2014, at around 9 p.m., he and his son, “Anas,” were in a taxi driving through the town of Hilla, 52 kilometers south of his

<sup>89</sup> Abdelhak Mamoun, “URGENT: Iraqi Army forces take control over Jurf Al-Sakhar and Alroieih, Babylon,” Iraqi News, October 25, 2014, <https://www.iraqinews.com/iraq-war/urgent-iraqi-army-forces-take-control-jurf-al-sakhar-alroieih-babylon> (accessed April 5, 2018); Loveday Morris, “Isis in Iraq: Army’s triumph over Jurf Al-Sakhar lays bare cost of defeating militants,” *Independent*, October 30, 2014, <https://www.independent.co.uk/news/world/middle-east/isis-in-iraq-armys-triumph-at-jurf-al-sakhar-lays-bare-the-cost-of-defeating-the-militants-9829347.html> (accessed April 5, 2018).

<sup>90</sup> “Babel Governorate Council Changes the name of Jurf al-Sakhr Distrcit (Rocky Cliff) to Jurf al-Nasr (Victory Cliff)” (بابل مجلس “النصر جرف” الى الصخر جرف ناحية اسم تغيير يقرر), Alsumaria, October 28, 2014, <https://www.alsumaria.tv/mobile/news/114658/ا-الى-جرف-ا-114658> (accessed August 23, 2018).

hometown.<sup>91</sup> There, forces stopped them at a checkpoint that flew PMF flags, he said. The forces stopped the car and arrested him, his son, and the taxi driver, and the men held them for the next three days in a nearby house they were using as an unofficial detention center. The forces there identified themselves as members of Hezbollah and released the driver who said he was Shia. Karim said they continued to hold him and his son, frequently beating them with sticks, metal cables, and their hands as they accused them of being sympathetic to ISIS because they were from Jurf al-Sakher. The forces then moved both to a large building they were using as another unofficial detention facility, where they met 64 other detainees from Jurf al-Sakher. He said most of the detainees belonged to the same tribe, and another six detainees came from Tiz Khurmatu and Nasriya.

Karim said they released him after four months and 10 days of living in squalid conditions, dumping him and two older men on the Baghdad highway in the middle of the night. He said the forces took these actions after their health deteriorated, and a doctor who visited them told the forces the men would likely die. As far as he knows, the same facility still holds his son.

In other instances, families were able to gather information about their relatives' whereabouts through unofficial channels leading them to believe they were being held in unofficial places of detention, but were unable to ascertain their treatment. "Ziyad," told Human Rights Watch that his brother "Milad," 35, a Federal Police officer, went missing on July 14, 2014 after leaving the Federal Police's 19th Brigade base in Samarra where he worked to get some dinner.<sup>92</sup> Then, in late September 2014, in the course of trying to find out information about his missing brother, Ziyad located five men from Jazira and Tikrit, who said they had just been released from a set of houses in Samarra where the PMF group Saraya al-Salam was holding dozens of prisoners, including Milad in unofficial detention facilities. The men told him they had seen Milad in one of many rooms full of detainees, who had asked them to contact Ziyad when he heard they were being released. They said they did not know why Saraya al-Salam detained them or his brother.

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<sup>91</sup> Human Rights Watch interview with Karim, Sulaymaniyah, July 25, 2016.

<sup>92</sup> Human Rights Watch telephone interview (name withheld), Samarra, October 17, 2016.



Map showing locations at which individuals were detained from and then disappeared.

In a second case of this type, “Nahla,” told Human Rights Watch that her son, “Adnan,” 25, from Mosul, a university student studying at Baghdad University, vanished on May 9, 2015 while traveling back to Mosul with his cousin to visit her.<sup>93</sup> She last spoke to him as he was arriving at al-Wind checkpoint south of Jurf al-Sakher, after which he was no longer reachable. In July 2015, Nahla said she registered her son’s disappearance with the central criminal court in Baghdad, the High Judicial Council, all the police stations and checkpoints on the route he had taken, the prison at Baghdad International Airport, the Ministries of Interior, Defense, and Justice, the Babil Operations Command, and local courts in Babil governorate and Karbala governorate. She said all denied having any information about her son. She shared documentation with Human Rights Watch showing her many letters to different government authorities and visits to the courts where she addressed judges.

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<sup>93</sup> Human Rights Watch interview with Nahla, Erbil, January 19, 2017.

Then, on October 22, 2016, Adnan appeared in the first segment of a quasi-documentary on the war against ISIS in Iraq, aired on Al Mayadeen, an outlet often sympathetic to Hezbollah. In the documentary, which Human Rights Watch reviewed, Adnan states he was a member of ISIS and that the group received support from US troops. On October 26, Adnan appeared in the fourth segment of the piece, speaking about ISIS's policing and leadership systems. At the end of each segment Al Mayadeen thanks the Hezbollah Brigades for the footage of the interviews.

Nahla said she noticed distinct curtains visible behind her son in the footage, which match curtains seen in photos of Hezbollah's headquarters, posted on its Facebook page. She showed the images of the curtains, visible in both, to researchers. The footage led Nahla to believe that Hezbollah was holding her son. Since the PMF does not have detention authority, she believes he is being held in an informal place of detention, possibly Hezbollah's headquarters. She said she requested that the Security and Defense Committee in Parliament write to the group about her son—she said they told her they had sent a letter in December 2016 but as of May 2018 had yet to inform her of any response.

Nahla said she has since lodged a complaint with the Committee on Enforced Disappearances, which ordered the government to provide information on his whereabouts. However, she has not received anything yet.

## Steps Taken By Families to Recover the Disappeared

Only 38 out of 53 families interviewed sought information regarding their missing relatives from the authorities, with Human Rights Watch submitting the names of those cases covered in this report to the authorities in July 2018. Many said they feared inquiries would seriously jeopardize the safety of their relatives. Of the 38 families who attempted to locate their relatives, most resorted to visiting prisons in the area their relative was taken from, or Muthana airport prison in Baghdad, a prison known for housing disappeared, and thus believed to be the location of many disappeared across the country. In five cases, the families of those detained were threatened by military and security forces when they tried to obtain information about the fate of their relatives or question their disappearances.

“Zainab,” 41, said she was in al-A’yadhia when Iraqi forces retook the area from the Islamic State (also known as ISIS) in late August 2017. Popular Mobilization Forces (PMF) who were conducting another round of searches detained her son, “Najeeb,” 21, a student. When she questioned the arrest she said, “The PMF officer said to me, if you keep asking we will arrest you too.” She told researchers she has been too scared to search for him since.<sup>94</sup>

In another case, “Nawar,” 53 witnessed the detention of his two sons “Bilal,” 24, and “Yasser,” 21, both students, by Hezbollah forces at al-Razzazza checkpoint on January 4, 2016. Nawar told researchers that when he tried to fight back against their detention, one of the men said “Go! Stop discussing this. If you get out of the car, I will slaughter you.”<sup>95</sup>

The families also often contacted courts in the area of disappearance, as well as the central criminal court in Baghdad. A small number pursued a range of different inquiries including with the officer of the Ministry of Interior’s Inspector General, the speaker of parliament and other parliamentarians, as well as the Office of the Prime Minister. These bodies responded in some cases by issuing letters to other authorities asking for the individual to be located, but none of these letters were met with any information about the fate and whereabouts of the disappeared, as far as the families knew. In a few instances,

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<sup>94</sup> Human Rights Watch interview with Zainab, Nimrud, January 31, 2018.

<sup>95</sup> Human Rights Watch interview with Nawar, Baghdad, September 15, 2017.

Ministry of Justice or Interior authorities would respond to say the individual was not in their custody.

In 10 of the cases, the families tried to hire lawyers to assist them in their search. In two cases, the lawyers soon dropped the case, saying the security forces threatened them for their inquiries. In another eight cases, the families said lawyers took large sums of money from them, sometimes amounting to tens of thousands of US dollars, but even that produced no results.

Most of the families interviewed said they contacted the International Committee of the Red Cross, but none were able to locate their relatives through the organization. Two families spoke to former prisoners who they believe were held in the same locations as their relatives, and another two spoke to individuals working in the penitentiary system but were unable to obtain any tangible evidence of their relatives' whereabouts.

Two activists supporting the families of the disappeared by documenting cases and petitioning the government for information about their relatives were targeted in attacks including gunfire in February and March 2018.<sup>96</sup> One of the individuals already had come under attack in 2015 and 2016.<sup>97</sup>

## Payment of Bribes

Human Rights Watch often receives allegations of corruption linked to the release of prisoners, with officers demanding money from families in order to facilitate release. In the one example encountered in the research for this report, "Sufyan," 52, said that while he was trying to obtain information about his son, "Malik," 23, who went missing on October 30, 2015 from a checkpoint near al-Kuwayr, an Asayish officer asked him for about US\$4,800, to facilitate his release. Sufyan refused, saying he did not have the means.<sup>98</sup>

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<sup>96</sup> Alkarama, "Human Rights Defenders Subjected to Reprisals by Iraqi Authorities for Speaking Out Against Enforced Disappearances," 2018, <https://www.alkarama.org/en/articles/human-rights-defenders-subjected-reprisals-iraqi-authorities-speaking-out-against-enforced> (accessed April 17, 2018).

<sup>97</sup> Human Rights Council, "Annual report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General," A/HRC/36/31, March 29, 2018, <http://www.ohchr.org/Documents/HRBodies/SP/A-HRC-36-31.docx> (accessed April 17, 2018).

<sup>98</sup> Human Rights Watch telephone interview with Abo Ala, Qayyarah, April 23, 2017.

Both Amnesty International, in an October 2016 report on detentions by different forces of ISIS suspects, and the US State Department, in its Iraq 2017 Human Rights Report, have documented cases of extortion of exorbitant sums by armed and state forces from family members attempting to secure their relatives' release.<sup>99</sup>

Three lawyers in Baghdad admitted to Human Rights Watch in June 2018 that they have paid bribes on behalf of their clients' families numerous times since 2003 to security officers, judges, or even their relatives, in order to secure detainees' release.<sup>100</sup>

The families all said they believed their relatives are still alive, and the three lawyers told researchers about a history in Iraq of extended periods of disappearance, sometimes decades, before release. They said that often families would pay large sums of money to various armed groups running official and unofficial places of detention, which it would take them years to gather to secure the release. They said that some groups use detention as a money-making scheme, eventually contacting families and extorting money. They said for this reason, one should not assume that those disappeared for several years are necessarily dead.<sup>101</sup>

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<sup>99</sup> Amnesty International, "Punished For Daesh's Crimes' Displaced Iraqis Abused By Militias and Government Forces," MDE 14/4962/2016, October 18, 2016, <https://www.amnesty.org/download/Documents/MDE1449622016ENGLISH.PDF> (accessed August 23, 2018); US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2017: Iraq," <https://www.state.gov/documents/organization/277487.pdf> (accessed June 27, 2018).

<sup>100</sup> Human Rights Watch interview (name withheld), Baghdad, June 25, 2018; Human Rights Watch interview (name withheld), Baghdad, June 26, 2018; Human Rights Watch interview (name withheld), Baghdad, June 27, 2018.

<sup>101</sup> Human Rights Watch interview (name withheld), Baghdad, June 25, 2018; Human Rights Watch interview (name withheld), Baghdad, June 26, 2018; Human Rights Watch interview (name withheld), Baghdad, June 27, 2018.

## Impact on Families

The families interviewed said they were impacted in different ways by their relatives' disappearances. Following the arrest, they often said they have become anxious of their own security and are worried of getting arrested themselves. Women whose husbands had been disappeared spoke about the difficulties they face in making ends meet after losing the family's primary breadwinner, and about the challenges of raising children without their father.

According to the wife of "Aziz," 32, the laborer detained in Tuz Khurmatu with his father:

I am still living at home, but I am scared my husband will never come back, nor my father-in-law. How can I live without them? I have two sons in school, I cannot cover their expenses.<sup>102</sup>

The wife of "Hardan," 42, told Human Rights Watch about the impacts of the disappearance of her husband, a part-time government employee, whom prime ministerial forces took from their home on the night of April 21, 2014.<sup>103</sup> She said that after her husband was taken, she went to the Ministry of Defense, where he worked, to request that she keep receiving his salary. Staff there told her that either she needed to show a death certificate for him, or proof of his detention at a specific facility, she said. Because she was unable to do either, they cut the paycheck in half. As her children grew older, she said expenses for school, food, drink, and clothing are constantly increasing. She never finished school so is unable to get a job herself. Today she struggles with raising her sons:

Life without a father is meaningless ... First of all, the house has no father, which means that kids will rebel, and it will be hard to raise them.... They cause trouble every hour, they fight outside, they come and go as they please. They need their father. What fault do these children bear for their father having been taken away from them for four years now?

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<sup>102</sup> Human Rights Watch telephone interview (name withheld), February 5, 2018.

<sup>103</sup> Human Rights Watch interview (name withheld), Baghdad, April 17, 2018.

## International Assistance and Sales to Iraqi Military and Security Forces

The following section is not exhaustive in identifying the many foreign governments' support to Iraqi military and security forces between 2014 and 2017. However, it is based on information that is publicly available on Australian, French, German, Italian, New Zealand, United Kingdom, and United States support to Iraq in the context of Operation Inherent Resolve, the US-led military intervention against the Islamic State (also known as ISIS). These and many other governments supporting Iraq's military and security apparatus are vague in what they publish publicly on the scale, nature, and parameters of their assistance, as well as the exact recipients. In some cases they have issued different, contradictory reports on the size of the support. This makes it hard to determine if foreign assistance is going to groups implicated in enforced disappearances included in this report, and how substantial the support is. However, it is clear from public records that foreign governments' support to the military and security apparatus is considerable, and as such, they wield considerable leverage to push groups and units to address abuses by investigating and punishing implicated forces.

In the US, the lead inspector general for overseas contingency operations included the following statement in his quarterly report for January to March 2018 to the US Congress on Operation Inherent Resolve:

The [Department of State] reported that Iraqi government efforts to address alleged abuses by the [Iraqi Security Forces] remained ad hoc and often only temporarily or locally effective. The DoS stated that it had received reports of extrajudicial killings, forced evictions, mistreatment of detainees, and other abuses during the quarter. According to the DoS, the government of Iraq made little tangible progress in addressing allegations of arbitrary or unlawful detention, torture, extrajudicial killings, or other human rights abuses by the ISF, or in the way of judicial processes.<sup>104</sup>

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<sup>104</sup> United States Lead Inspector General of the US Department of Defense, "Report to the United States Congress Operation Inherent Resolve Operation Pacific Eagle-Philippines," May 2018, [https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018\\_LIG\\_OCO\\_OIR2\\_Q2\\_MAR2018.PDF](https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018_LIG_OCO_OIR2_Q2_MAR2018.PDF) (accessed August 23, 2018), p. 36.

## Australian and New Zealand Support

In September 2014, Australia launched “Operation OKRA,” as its contribution to the US-led Operation Inherent Resolve Coalition to counter ISIS in Iraq and Syria.<sup>105</sup> At the peak of the operation, Australia deployed around 780 defense force personnel, and approximately 600 personnel remain currently deployed.<sup>106</sup> These personnel make up the Air Task Group (ATG), the Special Operations Task Group (SOTG), and Task Group Taji (TG Taji). While the ATG is involved in air combat and support operations, SOTG and TG Taji are deployed to provide assistance to Iraqi security forces.<sup>107</sup>

- 80 personnel are assigned to SOTG which provides training to Iraq's CounterTerrorism Service (CTS), through the “Advise and Assist” mission, including remote support of CTS’s Iraqi Special Operations Force Brigade missions.<sup>108</sup>
- 300 Australian and 100 New Zealand personnel are assigned to TG Taji, the combined Australian-New Zealand contribution to the coalition “Building Partner Capacity” mission. TG Taji is involved in training Iraqi army personnel and Iraq’s law enforcement agencies – including the Iraqi Federal and local Police and border guard forces.<sup>109</sup> Since April 2015 TG Taji has trained more than 34,000 Iraqis.<sup>110</sup>

Australian troops are expected to continue their training mission. According to Australian Government defense portfolio budget statements, the estimated actual cost of Operation Okra for 2016–17 was AUD\$353 million, bringing the actual spend to June 30, 2017 to

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<sup>105</sup> Parliament of Australia Research Paper, “Syria: Australian Military Operations,” September, 20 2017, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1718/SyriaMilitaryOps](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/SyriaMilitaryOps) (accessed July 2, 2018).

<sup>106</sup> “Operation Okra,” Australian Air Force, <https://www.airforce.gov.au/operations/middle-east/operation-okra> (accessed July 2, 2018); Prime Minister of Australia media release, July 19, 2016, <https://www.pm.gov.au/media/training-iraqi-law-enforcement-agencies> (accessed July 2, 2018); Australian Government, Department of Defence, “Operation Okra,” <http://www.defence.gov.au/Operations/Okra/> (accessed July 2, 2018).

<sup>107</sup> Australian Government, Department of Defence: “Air Task Group (ATG),” <http://www.defence.gov.au/Operations/Okra/ATG.asp>, “Special Operations Task Group,” <http://www.defence.gov.au/Operations/Okra/SOTG.asp>, and “Task Group Taji,” <http://www.defence.gov.au/Operations/Okra/TaskGroupTaji.asp> (all accessed July 2, 2018).

<sup>108</sup> Australian Government, Department of Defence “Operation Okra;” “Australian Defence Force support to Iraqi Forces in Ramadi,” Australian Department of Defence media release, December 30, 2015, <https://news.defence.gov.au/media/media-releases/australian-defence-force-support-iraqi-forces-ramadi> (accessed July 2, 2018).

<sup>109</sup> Prime Minister of Australia media release.

<sup>110</sup> “Building partner capacity mission transfer to safe hands,” Australian Department of Defence media release, June 4, 2018, <https://news.defence.gov.au/media/media-releases/building-partner-capacity-mission-transfer-safe-hands> (accessed August 24, 2018).

AUD\$814.4million.<sup>111</sup> The estimated actual cost for the year ended June 30, 2018 is AUD\$453.6 million and budgeted spend for 2018-19 is AUD\$306.5 million, bringing the cumulative estimated total cost of Operation Okra up until June 2019 to over AUD\$1.57billion.<sup>112</sup> The cost of New Zealand’s contribution to TG Taji has been assessed at approximately NZ\$65million.<sup>113</sup>

## French Support

Since September 2014, at the request of the Iraqi government, France launched the Chammal Operation, to support efforts to fight ISIS.<sup>114</sup> The operation includes two pillars, the first being French forces’ support, including artillery and air support, for Iraqi troops. The second is a training pillar. As part of the training pillar, for the past 2 years, about 100 French soldiers have been deployed in Baghdad as part of Navik and Monsabert Task Forces (TF) to carry out training activities and to improve command capacity and tactical expertise of Iraqi troops:

- TF Navik trains Iraqi Commanders of the Counter Terrorism Service in Baghdad. For the past 2 years, French TF Navik instructors have trained, in each of their 4-month mandates, 300 to 1300 Iraqi soldiers, ranging from young recruits to experienced soldiers.
- TF Monsabert trains and advises the military staff (*état major*) of the 6th Iraqi infantry division, which is principally in charge of protecting Baghdad.

## German Support

Since 2014, in addition to military support for the battle against ISIS including air support, the German government has mainly supported the Kurdish Peshmerga forces in their battle against ISIS. On June 30, 2018, the German training mission for the Peshmerga came to an

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<sup>111</sup> Australian Government, “Portfolio Budget Statements 2017–18: Budget Related Paper No. 1.4A: Defence Portfolio,” [http://www.defence.gov.au/Budget/17-18/2017-18\\_Defence\\_PBS\\_oo\\_Complete.pdf](http://www.defence.gov.au/Budget/17-18/2017-18_Defence_PBS_oo_Complete.pdf) (accessed July 2, 2018), pp. 20–21; Australian Government, “Portfolio Budget Statements 2018-2019: Budget Related Paper No. 1.4A: Defence Portfolio,” [http://www.defence.gov.au/Budget/18-19/2018-19\\_Defence\\_PBS\\_oo\\_Complete.pdf](http://www.defence.gov.au/Budget/18-19/2018-19_Defence_PBS_oo_Complete.pdf) (accessed July 2, 2018), p. 21.

<sup>112</sup> *Ibid.*

<sup>113</sup> “Announcement of New Zealand Defence Force personnel being deployed in a non-combat training mission to Iraq,” New Zealand Defence Force, <http://www.nzdf.mil.nz/corporate-documents/iraq-deployment/> (accessed July 2, 2018).

<sup>114</sup> “Chammal [Operation Chammal]: Review of the key dates of France’s military intervention in the Levant” (“Chammal : Retour sur les dates clés de l’intervention militaire française au Levant”), French Ministry of Defense, <https://www.defense.gouv.fr/operations/operations/irak-syrie/chronologie/chammal-retour-sur-les-dates-cles-de-l-intervention-militaire-francaise-au-levant> (accessed June 11, 2018).

end.<sup>115</sup> The German army is currently training and advising a range of security and military forces in Iraq.<sup>116</sup> According to public statements, the German army's efforts are directed toward the "regular Iraqi armed and security forces, but not towards units and associations of the so-called Popular Mobilization Forces."<sup>117</sup> Statements have not clarified which specific forces will be receiving the training and despite requests, Human Rights Watch has been unable to obtain any more specific information on the units being supported.<sup>118</sup> From April to October 2018 the estimated extra costs for the German training and stabilization mission will amount to about €69.5 million.<sup>119</sup> The number of German soldiers in Iraq will be reduced from 1200 to 800 men.<sup>120</sup>

## Italian Support

Italy established "Prima Parthica" in 2014, which includes Italian officers training Iraqi armed forces and local law enforcement agencies, in order to support Iraq including in its battle against ISIS.<sup>121</sup> As one element of Prima Parthica, Italian officers are training Peshmerga forces in Erbil and "Iraqi soldiers" in Baghdad. Public records do not detail which forces are considered soldiers for the purposes of their training.<sup>122</sup> Another element, which according to public record, has been completed, is the Italian supply of armaments to "Iraqi Security Forces and the voluntary militias."

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<sup>115</sup> "Bundeswehr Mandate for Iraq: A contribution to stabilisation," The German Federal Government, March 7, 2018, [https://www.bundesregierung.de/Content/EN/Artikel/2018/03\\_en/2018-03-06-bundeswehrmandat-irak\\_en.html](https://www.bundesregierung.de/Content/EN/Artikel/2018/03_en/2018-03-06-bundeswehrmandat-irak_en.html) (accessed June 11, 2018).

<sup>116</sup> Ibid.

<sup>117</sup> Deutscher Bundestag, "Request of the German government to deploy German armed forces for the long term battle against ISIS and to fully stabilize Iraq" ("Antrag der Bundesregierung Einsatz bewaffneter deutscher Streitkräfte zur nachhaltigen Bekämpfung des IS-Terrors und zur umfassenden Stabilisierung Iraks"), March 7, 2018, <http://dipbt.bundestag.de/doc/btd/19/010/1901093.pdf> (accessed June 11, 2018), p. 7.

<sup>118</sup> "Federal cabinet extends foreign missions" ("Bundeskabinett verlängert Auslandseinsätze"), German Federal Ministry of Defence, March 7, 2018, <https://www.bmvg.de/de/aktuelles/bundeskabinett-verlaengert-auslandseinsaetze-22646> (accessed June 11, 2018).

<sup>119</sup> Deutscher Bundestag, "Request of the German government to deploy German armed forces for the long term battle against ISIS and to fully stabilize Iraq" ("Antrag der Bundesregierung Einsatz bewaffneter deutscher Streitkräfte zur nachhaltigen Bekämpfung des IS-Terrors und zur umfassenden Stabilisierung Iraks").

<sup>120</sup> "Bundeswehr Mandate for Iraq: A contribution to stabilisation," The German Federal Government.

<sup>121</sup> Aldo Schettino, "Operation Prima Parthica" ("L'operazione Prima Parthica"), Centro studi di geopolitica e relazioni internazionali, April 9, 2017, <https://www.geopolitica.info/loperazione-prima-parthica/> (accessed August 23, 2018).

<sup>122</sup> Ibid.

## United Kingdom Support

The United Kingdom created the Conflict Stability and Security Fund (CSSF) in April 2015.<sup>123</sup> Overseen by the National Security Advisor, the CSSF focuses on projects that promote security and stability in countries that are at risk of conflict and in the case of Iraq the CSSF ran two programs.<sup>124</sup> Included in the first CSSF program entitled, “Iraq CSSF Security and Justice Programme,” and budgeted at £9.1 million, the government supported Iraq’s Ministry of Defence in security sector reform.<sup>125</sup> The program, which ran from April 2016-March 2018, sought to target immediate security and justice needs. The second CSSF program, “Iraq CSSF Governance Programme,” ran from April 2017 to March 2018.<sup>126</sup> It had a total budget of £10.6 million, and the main purpose of this program was to support the Iraqi Government in its effort to ensure safe and sustainable returns of Iraqi citizens to areas liberated from ISIS.<sup>127</sup>

## United States Support

The United States Department of Defense (DoD) uses funds appropriated to the Counter-ISIS Train and Equip Fund (CTEF), and its predecessor appropriation, the Iraq Train and Equip Fund (ITEF), to implement assistance programs for a range of Iraqi Security Forces (ISF).<sup>128</sup> The ISF consists of the Iraqi army, local police, Federal Police, Kurdish forces, CTS, and since late 2016 has expanded to include the Popular Mobilization Forces (PMF).<sup>129</sup> US ITEF/CTEF assistance does not benefit all of these components equally. The ITEF was

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<sup>123</sup> Ben Gummer, Minister for the Cabinet Office and Paymaster General, “Conflict Stability and Security Fund 2015/16 and the settlement for 2016/17: Written statement - HCWS123,” July 21, 2016, <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-07-21/HCWS123/> (accessed April 17, 2018).

<sup>124</sup> The Government of the UK, “Conflict, Stability and Security Fund: an overview,” May 10, 2018, <https://www.gov.uk/government/publications/conflict-stability-and-security-fund-cssf/conflict-stability-and-security-fund-an-overview> (accessed June 8, 2018).

<sup>125</sup> UK Foreign and Commonwealth Office and Ministry of Defence, “CSSF Programme Summary: Iraq CSSF Security and Justice Programme,” [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630396/Iraq\\_Security\\_and\\_Justice\\_2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630396/Iraq_Security_and_Justice_2017.pdf) (accessed April 17, 2018).

<sup>126</sup> UK Department for International Development and Foreign and Commonwealth Office, “CFFS Programme Summary: Iraq CSSF Governance Programme,” [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630399/Iraq\\_Governance\\_2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630399/Iraq_Governance_2017.pdf) (accessed April 17, 2018).

<sup>127</sup> Ibid.

<sup>128</sup> United States Office of the Secretary of Defense, “Department of Defense Budget Fiscal Year (FY) 2019: Justification for FY 2019 Overseas Contingency Operations (OCO) Counter-Islamic State of Iraq and Syrian (ISIS) Train and Equip Fund (CTEF),” February 2018, [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2019/fy2019\\_CTEF\\_JBook\\_Final.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2019/fy2019_CTEF_JBook_Final.pdf) (accessed April 17, 2018).

<sup>129</sup> Raya Jalabi, “Iraq’s Shi’ite militias formally inducted into security forces,” Reuters, March 8, 2018, <https://www.reuters.com/article/us-mideast-crisis-iraq-militias/iraqs-shiite-militias-formally-inducted-into-security-forces-idUSKCN1GK354> (accessed April 17, 2018).

created by Congress in 2014 (Fiscal Year (FY) 2015) with a US\$1.618 billion appropriation.<sup>130</sup> In FY 2016, Congress appropriated \$715 million to the ITEF.<sup>131</sup> For FY 2017, Congress appropriated funds for Iraq in the ITEF and for Iraq and Syria programs in the new CTEF. \$1.076 billion was appropriated to support Iraq train and equip efforts in the Counter-ISIS Train and Equip Fund in FY 2017, and \$289.5 million was appropriated in the ITEF in FY 2017 to support the Peshmerga. In FY 2018, the DoD requested, and Congress appropriated, \$1.269 billion for Iraq programs in the CTEF.<sup>132</sup> Looking forward, the Secretary of Defense requested \$850 million for Iraq train and equip activities in the CTEF to use in fiscal year 2019.<sup>133</sup>

One component of US train and equip programs is to provide training and material support to “tribal elements allied with Iraqi forces.”<sup>134</sup> Through March 2018, the US had trained about 11,170 members of various tribal forces since the beginning of 2015. Noting that as some tribal forces have been integrated into the PMF in the last three years, a DoD official told Human Rights Watch the US government does not support any elements associated or organized with “Shia militia groups within the PMF” but has supported “tribal forces by, with, through the Government of Iraq, who have been indoctrinated into the GoI's defense institutions by way of the PMF.”<sup>135</sup> The DoD has also acknowledged that factions of the PMF that the US has not agreed to support could also have access to these supplies.<sup>136</sup>

The DoD has End-Use Monitoring procedures in place in Iraq, with in section 1228 of the National Defense Authorization Act for Fiscal Year 2008 requiring the “tracking and monitoring of defense articles provided to the government of Iraq and other individuals

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<sup>130</sup> United States Office of the Under Secretary of Defense (Comptroller) “Department of Defense Budget Fiscal Year 2016: Operation and Maintenance Programs (O-1) Revolving and Management Funds (RF-1),” February 2015, [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2016/fy2016\\_01.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2016/fy2016_01.pdf) (accessed April 17, 2018), p. 13.

<sup>131</sup> United States Office of the Secretary of Defense “Department of Defense Budget Fiscal Year (FY) 2016: FY 2016 Overseas Contingency Operations (OCO) Iraq Train and Equip Fund (ITEF),” March 2015, <http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2016/FY16 ITEF Book.pdf> (accessed April 23, 2018), p. 3.

<sup>132</sup> United States Office of the Under Secretary of Defense (Comptroller) “Department of Defense Budget Fiscal Year 2019: Operation and Maintenance Programs (O-1) Revolving and Management Funds (RF-1),” February 2018, [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2019/fy2019\\_01.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2019/fy2019_01.pdf) (accessed April 24, 2018), p. 48.

<sup>133</sup> United States Office of the Secretary of Defense, “Department of Defense Budget Fiscal Year (FY) 2019: Justification for FY 2019 Overseas Contingency Operations (OCO) Counter-Islamic State of Iraq and Syrian (ISIS) Train and Equip Fund (CTEF).”

<sup>134</sup> United States Office of the Inspector General of the US Department of Defense, “Assessment of DoD/USCENTCOM and Coalition Plans/Efforts to Train, Advise, and Assist the Iraqi Army to Defeat the Islamic State of Iraq and the Levant,” September 30, 2015, <https://media.defense.gov/2015/Sep/30/2001714172/-1/-1/1/DODIG-2015-177.pdf%20and%20all%20the%20following%20ones> (accessed July 2, 2018).

<sup>135</sup> Email message from CDR Sean Robertson, APR+M, Defense Press Operations, Office of the Secretary of Defense, to Human Rights Watch, August 27, 2018.

<sup>136</sup> United States Office of the Inspector General of the U.S. Department of Defense, “Assessment of DoD/USCENTCOM and Coalition Plans/Efforts to Train, Advise, and Assist the Iraqi Army to Defeat the Islamic State of Iraq and the Levant.”

and groups in Iraq.”<sup>137</sup> In the 2018 first quarter, the DoD reported that the PMF had gained access to M1 Abrams tanks during battles against ISIS that were then returned to the Iraqi Ministry of Defense. Since then, the US has required the Iraqi government to monitor the whereabouts of the tanks more closely.<sup>138</sup>

Section 1236 of the National Defense Authorization Act for Fiscal Year 2015 includes a provision to vet all “military and other security forces of or associated with the Government of Iraq” for “[t]he association of such force or element with terrorist groups or groups associated with the Government of Iran.”<sup>139</sup>

According to the “Leahy Laws,” the Department of Defense is prohibited from providing military assistance to foreign military units when there is credible information that the unit has committed gross human rights violations.<sup>140</sup> The DoD has stated that if vetted Iraqi military forces commit gross human rights violation, they will be prohibited from receiving assistance or training.<sup>141</sup> Reportedly US forces suspended their training of the Emergency Response Division (ERD), a force under the Iraqi Ministry of Interior, because of Leahy concerns in March 2015.<sup>142</sup>

## Foreign Military Sales

United States weapon sales proposed for Iraq nearly tripled on an annual basis in 2014, with the start of Iraq’s war against ISIS, to almost \$15 billion.<sup>143</sup> The proposed sales to the government included a \$700 million sale of Hellfire missiles in July 2014, and a \$2.4 billion proposed sale for tanks and associated equipment in December.<sup>144</sup> In May of 2015, the

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<sup>137</sup> US House of Representatives, National Defense Authorization Act for Fiscal Year 2008, December 6, 2007, section 1228, [https://www.gsa.gov/cdnstatic/National\\_Defense\\_Authorization\\_Act\\_2008.pdf](https://www.gsa.gov/cdnstatic/National_Defense_Authorization_Act_2008.pdf) (accessed August 26, 2018).

<sup>138</sup> United States Lead Inspector General of the US Department of Defense, “Report to the United States Congress Operation Inherent Resolve Operation Pacific Eagle-Philippines.”

<sup>139</sup> US Senate and House of Representatives, Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, January 10, 2018, section 1236, <https://legcounsel.house.gov/Comps/113-291.pdf> (accessed August 26, 2018).

<sup>140</sup> United States Office of the Inspector General of the U.S. Department of Defense, “Assessment of DoD/USCENTCOM and Coalition Plans/Efforts to Train, Advise, and Assist the Iraqi Army to Defeat the Islamic State of Iraq and the Levant.”

<sup>141</sup> *Ibid.*

<sup>142</sup> “Abuse, mismanagement allegations shadow gains made against ISIS,” CBS News, May 30, 2017, <https://www.cbsnews.com/news/abuse-mismanagement-allegations-shadow-gains-made-against-isis/> (accessed July 16, 2018).

<sup>143</sup> Doug Cameron, “U.S. Clears Iraq Arms Sales but Congress Could Block,” *The Wall Street Journal*, December 23, 2014, <https://www.wsj.com/articles/u-s-clears-iraq-arms-sales-but-congress-could-block-1419384147> (accessed July 16, 2018).

<sup>144</sup> “Iraq – AGM-114K/N/R Hellfire Missiles,” Transmittal No. 14-33, Defense Security Cooperation Agency news release, July 29, 2014, <http://www.dsca.mil/major-arms-sales/iraq-agm-114knr-hellfire-missiles> (accessed July 16, 2018); “Iraq – M1A1 Abrams Tanks,” Transmittal No. 14-45, Defense Security Cooperation Agency news release, December 19, 2014, <http://www.dsca.mil/major-arms-sales/iraq-m1a1-abrams-tanks> (accessed July 16, 2018).

State Department approved proposed sales of ammunition for \$395 million.<sup>145</sup> Additional proposed US weapons sales included a \$800 million sale of Hellfire missiles,<sup>146</sup> \$1.95 billion in sales of F-16 weapons in January 2016,<sup>147</sup> and \$1.06 billion in proposed aircraft sales in April 2017.<sup>148</sup>

Actual United States weapon sales to Iraq rose to \$2.6 billion in the 2014 fiscal year. In FY 2015, the US sold \$961,467 million in weapons to Iraq, \$382,561 million in FY 2016, and \$2.3 billion in FY 2017.<sup>149</sup> Foreign Military Sales are not subject to “Leahy Law” rules that govern other US military assistance. However, all US defense articles and services transferred to foreign partners are subject to US End-Use Monitoring and verification.

French sales and exportation of arms licenses to the government of Iraq have also been substantial. Between 2014 and 2017, the French government has issued 71 export licenses to transfer specific defense-related products to Iraq.<sup>150</sup> The equipment delivered from these licenses between 2014 and 2017 are worth €24.1 million.<sup>151</sup> No details regarding the specific equipment sold could be found. Under French law, arms licenses can only be issued to states that adhere to certain criteria including respecting human rights and international human rights laws, and military exports cannot be sent to states if they are likely to cause or prolong armed conflicts or if there is a risk that the state will use the equipment for other than national security.<sup>152</sup>

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<sup>145</sup> “Iraq – Ammunition,” Transmittal No. 15-19, Defense Security Cooperation Agency news release, May 5, 2015, <http://www.dsca.mil/major-arms-sales/iraq-ammunition> (accessed July 16, 2018).

<sup>146</sup> “The Government of Iraq – Hellfire Missiles and Captive Air Training Missiles,” Transmittal No. 15-64, Defense Security Cooperation Agency news release, January 7, 2016, <http://www.dsca.mil/major-arms-sales/government-iraq-hellfire-missiles-and-captive-air-training-missiles> (accessed July 16, 2018).

<sup>147</sup> “Iraq - F-16 Weapons, Munitions, Equipment, and Logistics Support,” Transmittal No. 15-52, Defense Security Cooperation Agency news agency, January 20, 2016, <http://www.dsca.mil/major-arms-sales/iraq-f-16-weapons-munitions-equipment-and-logistics-support> (accessed July 16, 2018).

<sup>148</sup> “Republic of Iraq – Pilot and Maintenance Training, Contractor Logistical Support (CLS) for Trainer Aircraft, and Base Support,” Transmittal No. 17-03, Defense Security Cooperation Agency, April 12, 2017, <http://www.dsca.mil/major-arms-sales/republic-iraq-pilot-and-maintenance-training-contractor-logistical-support-cls> (accessed July 16, 2018).

<sup>149</sup> United States Department of Defense Security Cooperation Agency, “Foreign Military Sales, Foreign Military Construction Sales And Other Security Cooperation Historical Facts As of September 30, 2017,” [http://www.dsca.mil/sites/default/files/fiscal\\_year\\_series\\_-\\_30\\_september\\_2017.pdf](http://www.dsca.mil/sites/default/files/fiscal_year_series_-_30_september_2017.pdf) (accessed July 30, 2018).

<sup>150</sup> French Ministry of Armed Forces, “2018 Report to parliament on the exportation of French weaponry” (“Rapport au Parlement 2018 sur les exportations d’armement de la France”), July 5, 2018, <https://www.defense.gouv.fr/fr/actualites/articles/rapport-au-parlement-2018-sur-les-exportations-d-armement#> (accessed July 17, 2018).

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*

Iraq is one of the biggest buyers of German arms.<sup>153</sup> The German government approved the export of military equipment to Iraq valuing €44.5 million in 2016 and €15 million in 2017. The amount approved to Iraq excluding the Kurdistan region added up to €24,130,999 in 2016 and €7,988,804 in 2017.<sup>154</sup> German arms sales to the Kurdistan Regional Government amounted to €27 million in the first half of 2015 and €23.8 million in the first half of 2016.<sup>155</sup> While there was a pause on arms sales to the Peshmerga due to media reports that some weapons were being resold on the black market, Germany has since resumed sales to the Peshmerga and the Kurdistan Regional Government.<sup>156</sup>

Other notable foreign military sales include a reported arms agreement between Iran and Iraq worth \$195 million in 2014.<sup>157</sup> The sale supplied Iraq with arms, mortars, mortar launchers, ammunition for tanks, and artillery, but media articles did not specify which forces allegedly received these arms.<sup>158</sup>

In July 2017, the Russian and Iraqi governments agreed to a sale of Russian-made T-90 tanks to the Iraqi military; the sale is estimated to be close to \$1 billion.<sup>159</sup> The first batch of T-90 tanks arrived in Iraq in February 2018.<sup>160</sup>

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<sup>153</sup> “German ammunition exports rocket by nearly 1000 percent,” Middle East Eye, October 25, 2016, <http://www.middleeasteye.net/news/german-ammunition-exports-rocket-nearly-1000-229357758> (accessed July 17, 2018).

<sup>154</sup> Deutscher Bundestag, “Response of the German government to the inquiry of members of parliament Sevim Dağdelen, Heike Hänsel, Andrej Hunko and other members of parliament and the Left Coalition” (“Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Sevim Dağdelen, Heike Hänsel, Andrej Hunko, weiterer Abgeordneter und der Fraktion DIE LINKE”), March 28, 2018, <http://dip21.bundestag.de/dip21/btd/19/014/1901491.pdf> (accessed June 11, 2018).

<sup>155</sup> Ibid.

<sup>156</sup> “Germany resumes weapons deliveries to Kurds in north Iraq,” Reuters, August 17, 2016, <https://www.reuters.com/article/us-mideast-crisis-iraq-germany/germany-resumes-weapons-deliveries-to-kurds-in-north-iraq-idUSKCN10S1OF> (accessed July 17, 2018).

<sup>157</sup> Ahmed Rasheed, “Exclusive: Iraq signs deal to buy arms, ammunition from Iran – documents,” Reuters, February 24, 2014, <https://www.reuters.com/article/us-iraq-iran-arms/exclusive-iraq-signs-deal-to-buy-arms-ammunition-from-iran-document-idUSBREA1N10D20140224> (accessed July 16, 2018).

<sup>158</sup> Ibid.

<sup>159</sup> Mohamed Mostafa, “Iraq to receive Russian T-90 tanks in 2017,” Iraqi News, July 20, 2017, <https://www.iraqinews.com/features/iraq-receive-russian-t-90-tanks-2017/> (accessed July 24, 2018).

<sup>160</sup> “Iraq receives first batch of Russian T-90 battle tanks,” Middle East Monitor, February 16, 2018, <https://www.middleeastmonitor.com/20180216-iraq-receives-first-batch-of-russian-t-90-battle-tanks/> (accessed July 14, 2018).

# Iraqi Authorities' Legal Obligations

## International Legal Obligations

The Iraqi authorities' failure to take decisive action against human rights abuses within their institutions and security forces violates international legal obligations. International human rights law obligates governments to end impunity for serious human rights violations by undertaking prompt, thorough, and impartial investigations of alleged human rights violations, ensuring that those responsible for serious crimes such as those affecting the right to life and freedom from arbitrary detention are prosecuted, tried, and duly punished.<sup>161</sup>

International treaties that Iraq is party to obligate the government to deter and prevent gross violations of human rights, and to investigate, prosecute, and remedy abuses.<sup>162</sup> This also entails addressing the victim's rights to justice, knowledge, and reparations.<sup>163</sup>

Iraq's accession to the International Convention for the Protection of All Persons from Enforced Disappearance in 2010 requires states to take measures to criminalize and investigate acts of disappearances, to trace and return disappeared children to their families, and to hold individuals and groups criminally responsible for such cases.<sup>164</sup>

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<sup>161</sup> United Nations Commission on Human Rights, "Report of the independent expert to update the set of principles to combat impunity," E/CN.4/2005/102/Add.1, February 8, 2005.

<sup>162</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

<sup>163</sup> Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15.

<sup>164</sup> UN Declaration on the Protection of All Persons from Enforced Disappearances, adopted December 18, 1992, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992). The UN Commission on Human Rights also called on states "to prevent and investigate with special attention enforced disappearances of persons belonging to vulnerable groups, especially children, and to bring the perpetrators of these enforced disappearances to justice." UN Commission on Human Rights, Res. 2005/27, April 19, 2005, para 4(e). The UN Security Council resolved that the abduction of children during armed conflict, including enforced disappearances, is a "grave violation" of children's rights. Office of the Secretary General for Children in Armed Conflict, "Working Paper No. 1: The Six Grave Violations Against Children During Armed Conflict," November 2013, p. 21, available at [https://childrenandarmedconflict.un.org/publications/WorkingPaper-1\\_SixGraveViolationsLegalFoundation.pdf](https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf) (accessed July 15, 2018).

Further, the Arab Charter on Human Rights, to which Iraq is a party, obligates states to ensure protection of rights enshrined in the charter.<sup>165</sup> Article 8 of the Arab Charter on Human Rights obligates the state to protect all persons from “physical or mental torture or cruel, inhuman or degrading treatment,” while article 14 prohibits the detention of any person without a legal warrant and requires compensation for victims of unlawful arrest or detention.<sup>166</sup>

## Iraq’s Obligations under the Constitution and Penal Code

The Iraq Constitution of 2005 mandates the protection of the freedom and security of an individual, including the prohibition of unlawful detention and torture or inhumane treatment.<sup>167</sup> Article 19 of the constitution prohibits detention or arrests “in places not designed for it,” and requires that the documents of the detained be brought before a judge in a period not exceeding 24 hours from the time of the arrest.<sup>168</sup>

Iraq’s Penal Code does not criminalize enforced disappearances as a specific crime, however it provides that any public official “who arrests, imprisons or detains a person in circumstances other than those stipulated by law” is liable to be imprisoned for up to seven years, or ten years if the offending official was wearing an official uniform without permission to do so.<sup>169</sup> Any public official “who knowingly violates his or her legal duty by inflicting or ordering the infliction on a convicted person of a penalty more severe than that imposed by law, or a penalty to which the person has not been sentenced, shall be liable to imprisonment.”<sup>170</sup>

The Penal Code stipulates imprisonment for any public official “entrusted with the administration or supervision of a prison or other custodial facility who admits a person without an order from a competent authority or who refrains from implementing an order

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<sup>165</sup> Arab Charter on Human Rights, 2004, adopted May 22, 2004, entered into force March 16, 2008, available at [http://www.eods.eu/library/LAS\\_Arab%20Charter%20on%20Human%20Rights\\_2004\\_EN.pdf](http://www.eods.eu/library/LAS_Arab%20Charter%20on%20Human%20Rights_2004_EN.pdf).

<sup>166</sup> Arab Charter on Human Rights, 2004.

<sup>167</sup> Constitution of Iraq, 2005, available at [https://web.archive.org/web/20161128152712/http://www.iraqinationality.gov.iq/attach/iraqi\\_constitution.pdf](https://web.archive.org/web/20161128152712/http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf) (accessed July 11, 2018).

<sup>168</sup> *Ibid.*

<sup>169</sup> Iraq Penal Code, 1969, available at <http://www.refworld.org/docid/452524304.html> (accessed April 13, 2018), art. 322.

<sup>170</sup> *Ibid.*, art. 323.

issued for the release or continued detention of such a person following the prescribed period.”<sup>171</sup>

Where there is a nexus to abduction, the Penal Code imposes harsher penalties of up to life imprisonment for “anyone who seizes, detains or deprives a person of his or her liberty in any way without an order from a competent authority in circumstances other than those described in relevant laws and regulations.”<sup>172</sup>

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<sup>171</sup> Ibid., art. 324.

<sup>172</sup> Ibid., art. 421.

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