

Detention facilities in the Kurdistan Region, Data on the detainees:

Ministry of Work and Social Affairs has opened 3 reformatory sections in Erbil, Sulaymaniya and Duhok for male adults and 3 sections for women and juveniles. Police, under the auspices of the Ministry of Interior, is responsible for guarding and protecting the buildings of these facilities. The internal affairs of the facilities are supervised by the implementation force which consists of corrective sergeant, corrective officer and turnkey. Only convicts are held in the adult male section but in women and juvenile reformatory sections, both convicts and non-convicts are held.

Terrorism-affiliated detainees:

Court of Appeals-Erbil:

The number of those arrested for terrorism affiliation until August 22, 2017 were **675** for terrorism affiliation; among whom, **56** were proved innocent and released following preliminary investigations, **619** of whom were convicted and their punishment is between **3** years of imprisonment to death by hanging. Death penalty law is suspended in the Kurdistan Region and sections 2, 3 and 4 of the Counterterrorism law have been implemented for all the cases.

Court of Appeals-Duhok:

- **1594** detainees arrested for terror-related crimes
- **616** were proven innocent and were released
- **552** cases are still pending
- **456** are convicted and their penalty ranges from imprisonment to execution by hanging.
- **1300** convicts have gone through appeal process.

Court of Appeals- Sulaymaniyah:

- 2014

→**3** terror-related detainees, **2** of whom have been already released

- 2015
 - Only **23** people were arrested for terror-related crimes, **18** of whom have been released and **5** were transferred to the Directorate of Sulaymaniyah Security.
- 2016
 - **5** detainees were kept among whom **one** was arrested by Article 1 of Counter-terrorism law and **4** by Article and were transferred to Kirkuk Security Directorate.
- First 6 months of 2017
 - Only **4** were arrested by Counter-terrorism law, one is detained and transferred to the Directorate of Sulaymaniyah Asayish, and one is released.
 - One person was arrested according to Article 2 of Counterterrorism law and then was released.
 - One person was arrested by Article 1 of Counter-terrorism Law and was transferred to Kirkuk Investigation Court.

ISIS members, who were **22** persons, were tried in Sulaymaniyah Juveniles Court as the following:

- 2014: **4** ISIS members
- 2015: **10** ISIS members
- 2016: **7** ISIS members

Directorate of Sulaymaniya Security (ASAISH):

- **9** criminals are in Sulaymaniyah criminal courts, **3** cases of whom are still pending.
- **3** of them have been convicted, two of whom were charged with seven years imprisonment and **1** with five years' imprisonment according to Article 7/3 of Counter-terrorism law.

- **2** detainees are kept in Sulaymaniya criminal courts, **3** of them have been released and their cases have been transferred to Erbil Court of Appeals.
- **10** have been transferred to other special courts
- **106** people have been released
- **26** are still under investigation

The number of those who were proven innocent after investigations:

- 2014: **44** detainees
- 2015: **74** detainees
- 2016: **52** detainees
- 2017: **6** detainees
- 2018: **1** detainee

Court of Appeals Kirkuk:

The number of those arrested from the beginning of terror war was as the following:

- 2014: **115** persons
- 2015: **182** persons
- 2016: **83** persons
- the first half of 2017: **19** persons

The number of those still under investigation:

- 2014: **33** persons
- 2015: **78** persons
- 2016: **20** persons
- in the first 6 months of 2017: **6** persons

The number of detainees whose convictions have been decided:

- 2014: **5** persons
- 2015: **23** persons
- 2016: **7** persons

- In the first half of 2017 no convictions have been issued but **36** people have gone through appeal process.

Instructions given to the security forces regarding arrest procedure:

Torturing suspects and convicts under duress during investigation is considered a crime and is absolutely prohibited. Article 333 of the Iraqi Penal Code No. 111 of 1969 allows the detainees to file a complaint against the police and security officers who they claim to have tortured them. This is supported by Article 19/3 of the Iraqi Constitution. However, in certain cases, detainees are provoked to pretend that they have been tortured. All the detainees' rights whether juvenile or adult are preserved and they are only arrested by a court order.

Detainees can submit their requests through the prison's administrative section, the general prosecutor, their visiting families, or human rights organizations. Those children whose parents are missing and enter Kurdistan are well-treated by the camp managers and local and international organizations. They have also been provided with educational services and social care as well as shelter.

Healthcare services in detention centers:

24 hours healthcare services, medical staff, and medication are present in the detention centers. General medical checkups are conducted upon the arrival of detainees in the detention centers and their medical files are created. Checkups are completed for contagious diseases such as liver infection, AIDS as well as chronic diseases like diabetes and blood pressure.

Scanning Procedure:

As a security procedure, only men are searched upon the arrival of the IDPs to the Peshmerga fronts to make sure that there is no terrorist and suicide bomber infiltration and then they are transferred to the reception centers. At times the IDPs themselves give information to the security forces about terrorism-affiliates. During the few hours of investigation, if someone is suspected, based on the information given by the neighborhood individuals and the area's tribal links, leaders, the information will be double-checked by the security forces and based on a court order the suspect will be arrested.

The searching only takes a few hours and after that the suspects will be arrested and the rest will be transferred to the IDP camps. Immediately after the arrests, the

suspects' families will be informed and the suspect has the right to an attorney. After their release, the suspects are reunited with their families.

The suspects are arrested based on strong evidence obtained from their cell phones or through a chemical matter by which it can be detected whether the suspects have used explosive material such as TNT or not and any other channels available.

Arrest Procedure:

Arrest procedure begins with reports from a secret detective to the security forces. People are arrested only after confirming the accuracy of the information and nobody is arrested otherwise. Being a secret detective is a difficult and dangerous task as it requires taking an oath and accurate documents. For these reasons, a few conditions are put for the secret detectives which are the following:

- His food ration, citizenship and ID must be registered.
- He has to take an oath (by Quran) that he is saying the truth.

The security forces give information to the judge, and then the judge approves the arrest of the suspects. This allows the security and police to conduct arrest, search and investigation. The suspects stay with the security forces for 24 hours for the purpose of initial investigations.

After arresting the suspects, special files are opened and they stay under investigation for 72 hours. All the detainees' legal rights are preserved such as providing a lawyer. If proved innocent, then he/she will be released. However, if proved guilty, the investigations will be ongoing in the special courts.

Following that, the law that is implemented for a specific crime will be identified, court meeting will be scheduled and legal adaptation will be processed. The detainee has the right to attorney to defend him in court until the court decision is out.

The KRG Ministry of Interior is the implementing authority of the court orders. Nobody is arrested outside a court order. The criminal is arrested according to the amended Iraqi Penal Code No. 111 of 1969 according to the principles of criminal trial No. 23 of 1971. According to this principle, Ministry of Interior does not have the right to arrest anyone outside a court order.

If convicted, he/she will be sent to the Ministry of Work and Social Affairs to serve his/her sentence.

Death Penalty Law:

The Kurdistan Regional Government is committed to implementing just measures and protecting human rights in line with international human rights principles. Article 2 of Law No. 13 of 2007 clearly states this objective.

This objective has reflected in the Ministry of Justice departments and especially Kurdistan Region Consultation Council based in the Ministry which works based on Law No. 14 of 2008. Article 6 and 7 show that they have the task of forming laws and the laws are formed according to human rights principles. General Prosecutor's office also works based on Law No. 159 of 1979. It monitors the status of human rights according to Article 7 of the law.

Since death penalty is not supported worldwide and is not in line with human rights principles, in 2003, laws No. 21 and 22 of 2003 on the crimes against national and international security were suspended in the Kurdistan Region. In 2006, Law No. 6 the second stage of the criminal trials has been activated which is relevant to the implementation of death penalty.

Death penalty has been massively narrowed down in the Kurdistan Region, KRG tries to meet international principles and it does not intend to violate international principles during its implementation since Iraq has not signed the optional protocol about death penalty annexed to the civil and political convention. In 2012 a general amnesty law was issued in the region. Those who have been convicted with death penalty, their sentences have been reduced to life imprisonment. In 2014, many cases were convicted by death penalty on crimes like deliberate murder, kidnapping and rape according to articles 406, 422 and 393 in order, later these decisions proceeds through appeal process by default by a judge or a general prosecutor which is in accordance with international political and civil convention. The Kurdistan Region is putting efforts to complete annulling death penalty law.