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Sent: 05 February 2018 16:53
To: redacted <redacted@redacted>
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Subject: KRG Clarification on the upcoming press release

Dear redacted,

The KRG International Reports Committee hereby would like to share with you a response and clarification to the HRW upcoming press release, the details of which according to our reliable sources are as follows:

Judging and dealing with arrested ISIS suspects and affiliates has been the concern of many International Organizations and their counterparts for good reason. These international organizations have mentioned the condition of detained suspects in their reports concerning human rights in the Kurdistan Region (KR). They ask what the rights are of those arrested, what would happen to them if they were proven innocent, and what would happen to them if the accusation turned out to be true? KR, just like all international government institutions, are consistently placed in these situations. All suspects are viewed equally in the court of law and are deemed innocent until proven guilty and have the right to an attorney.

In the last three years 2,652 people have been arrested for having connection with ISIS, 1,100 of them proved the suspect guilty, they are sentenced between three years to life in prison depending on severity of crimes committed. 870 of them were proven innocent and freed. 672 are still under investigation.

There was only one provisional prison in Dubs (Kirkuk province) which was in place while Hawija was in the process of being liberated. During the displacement of people from Hawija, around 1,000 Sunni Arab ISIS members and affiliates turned themselves into the KRG security forces. Not one detainee was held in Kirkuk's Asayish facilities. Asayish and Counter-Terrorism Department transferred them to KRG's public security facilities in Erbil due to the lack of prisons in the region. The role of Kirkuk's Asayish was to facilitate the transfer process of detainees. The transfer process was commanded by the Head of Kirkuk Zone.

KRG Security forces have carried out specific processes and procedures since the ISIS war began when arresting ISIS members. A screening process commenced upon the arrival of the displaced persons to the frontlines to prevent ISIS members from infiltrating the region. The KRG forces have implemented traditional values and customs where women are not screened, only men.

ISIS affiliates who are cleared after an investigation are released and those who are charged detained according to Counter-terrorism Act No. 4 that was implemented before its suspension. The ISIS affiliates later are transferred to a specialized court where they are given the right to an attorney and allowing their families to visit them.

The arrest process for the mentioned 350 prisoners (Kirkuk province) in the HRW press release was different from the ones mentioned above as they surrendered themselves to the KRG security forces. The security forces had not screened them due to the fact that they willingly admitted their association with ISIS. The KR Security forces were unable to inform their families as they were isolated from them and were transferred to a camp Jed'a which falls under the Federal Authority.

Counter-terrorism Act No. 3 of 2006 was previously implemented for ISIS affiliates. However, it is no longer implemented; instead the ISIS affiliates are tried based on Kurdistan Parliament Act No. 21 of 2003 and Act No. 111 of the amended Iraqi Penal Code of 1969.

The following data from KRG Judicial Council indicates the number of ISIS detainees that were arrested in the Kirkuk province since the beginning of the ISIS war:

In 2014, 115 ISIS affiliates were arrested, 33 of whom have been investigated and 5 were convicted.

In 2015, 182 were arrested, 78 of whom have been investigated and 23 were convicted.

In 2016, 83 were arrested, 20 of whom have been investigated and 7 were convicted.

In the first half of 2017, 19 people were arrested, 6 of whom were investigated. None of which were convicted but their verdicts have been appealed.

Statistics of all detained ISIS members and affiliates.

Cities	Arrested	Punished	Freed	Under Investigation
Erbil	675	619	56	_____
Sulaymania	35	_____	22	13
Duhok	1594	456	616	522
Kirkuk	348	35	176	137
Total	2652	110	870	672

The KRG expresses its readiness to coordinate with the Iraqi Federal Authorities and International Community for the process of transferring the ISIS affiliates to the Federal authorities. The KRG Presidency of Council of Ministers ordered the formation of a joint committee headed by the Ministry of Work and Social Affairs to determine the fate of the ISIS detainees in the KR. However, the Iraqi Federal Government has not begun legal procedures for this matter yet.

In Ninewa Province, in one of the recent incidents in Zummar area - Suhila there was a suicide attack carried-out by a female suicide bomber outside a school where newly arrived IDPs were located. This incident happened around 11:00 am on August 28, 2017. A few sources have falsely accused that Peshmerga forces have been randomly shooting and killing ISIS suspects after the attack. However, according to KRG security department resources:

Prior to the suicide attack, Peshmerga forces attempted to negotiate with the suicide bomber to reconsider her decision to carry-out the attack, while simultaneously relocating everyone else to the other side of the school. While they were unable to convince the suicide bomber from detonating, they were able to put

everyone else in a safer location while also preventing her from entering the school. The suicide bomber, who had attached two suicide belts to her body eventually blew herself up in front of the school killing one Peshmerga and injuring two more. Immediately following the suicide attack, the Peshmerga requested additional forces to the location in order to protect the IDPs in the school and ease tensions.

It is worth mentioning that no retaliation was done by the Peshmerga during or following the time of the incident. The responsible units in the area are 12TH brigade headed by Brigadier Ezaddin Sa'do under the auspices of Ministry of Peshmerga as well as Zhing forces supervised by Commander Kamil Harki.

The transfer of IDPs to the refugee camps is supervised by the UN, Iraqi Ministry of Migration, and Ninevah Governorate special committee. The IDPs were picked up in buses and transferred to Gayarah and Hamam Al-Alil IDP camps where Popular Mobilization Forces are in control of. Hence, the PMF is aware and responsible for any cases of disappearance in those camps. However, where Peshmerga forces are involved, all efforts are put to protect all human lives, whether IDP or ISIS detainees.

Ashti Kochar, Chief of Asayish forces in the area explained that ISIS was moving and fighting the Peshmerga forces along 71 km of land between Herdan, Ayaziyah, Tel Afar, and Qasabat Al-Ra'iito while attempting to flee to Syria.

During the fighting, Peshmerga forces were monitoring ISIS movements in order to prevent their escape. Peshmerga were scattered between Hardan, Qasabat, Al-Ra'ii, and Golat along 71 km of land. As known of ISIS members mentality, they do not give up fighting and are always ready to conduct suicide to try an gain an advantage or cause more damage. Peshmerga forces do not conduct any fighting or measures against surrounded ISIS members, only when they are armed and battling or in the process of carrying-out suicide attacks. Throughout these battles many lives have been lost, including both the Peshmerga and ISIS members. This was done in several instances, and the corpses of the killed ISIS members in this fighting were probably brought in one place to be buried. 12th Brigade and Asayish forces are in charge of that area.

Best regards

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