

## HUMAN RIGHTS WATCH

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August 14, 2018

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

Dear Mr. al-Agaili,

Thank you for your August 14 email responding to our letter dated August 12. We are encouraged by your willingness to investigate the allegations we have presented regarding the unlawful death in detention of Mr. Dawud Salam Abeed and respectfully request that you share updates with regard to the progress of this investigation with us. In our public reporting we will acknowledge that your office has shown a willingness to investigate these allegations.

With regard to the accounts of two former detainees who were held in Ministry of Interior's Intelligence and Counter Terrorism's prisons in Faisaliya, Mosul, and in the town of Qayyarah, we respectfully disagree that we have not provided enough information for an investigation to be undertaken into the allegations of due process violations, overcrowded detention conditions, ill-treatment, torture, and death in detention. While the two interviewees do not want their identities to be revealed because of their concerns that security forces may retaliate against them, they have provided detailed accounts of their time in detention, including the time periods that they were present at the prisons, and the abuses they witnessed and suffered.

In the first case, the former detainee alleged that he witnessed nine cases of death in detention in Faisaliya prison between January and May 2018. During this time, he also experienced and witnessed torture, including the "bazooona" and "falaka" techniques, beatings with a metal cable, burning of the penis and testicles with a hot metal ruler, hanging inmates from a hook and tying a one-liter water bottle to their penis. He also alleged begin held in an overcrowded cell, being denied contact with family and a lawyer, having no access to independent prison monitors, no access to medical care and limited access to the bathroom. The former detainee also named four officers at Faisaliya prison who he said tortured him and others:

██████████, ██████████, ██████████, ██████████, and ██████████.

Human Rights Watch has confirmed that the officers work at Faisaliya

prison and we believe it should be feasible to readily locate and investigate them. When he was subsequently released by an investigative judge at the Nineveh counterterrorism court, the former detainee also said that the judge did not raise any questions about his treatment, despite his arms being visibly bruised.

We believe that these allegations are sufficient to open an investigation into detainee treatment at Faisaliya prison and into how judges in the Nineveh counterterrorism court deal with evidence of ill-treatment and torture. Such investigations should seek to answer the following questions:

- Does Faisaliya prison maintain a record 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? Is this record open to inspection by detainees and their representatives? Who is responsible for it?
- Do detainees at Faisaliya prison presently have access to medical treatment, lawyers, family, independent detention monitors? Was this the case for all detainees held throughout the facility between January and May 2018?
- Are any detainees at Faisaliya prison presently being subjected to torture and ill-treatment? Were detainees in Faisaliya prison subjected to torture and ill-treatment between January and May 2018? Have officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] subjected any detainees to torture or ill-treatment? Have any officers been disciplined for subjecting detainees to torture or ill-treatment in Faisaliya prison? Have any officers been disciplined for ordering the torture or ill-treatment of detainees in Faisaliya prison?
- Between January and May 2018 were there any deaths in detention at Faisaliya prison? If so, what was the cause of death? Was any forensic examination of the bodies done to confirm the reported cause of death? Did families receive the bodies of the deceased detainees? Were any officers disciplined or questioned about the causes of death?
- Are detainees in Faisaliya being held in overcrowded conditions and being subjected to unreasonable restrictions on using the bathroom? Was this the case between January and May 2018?
- Are judges in the Nineveh counterterrorism court investigating possible torture and ill-treatment of detainees that come before the court? In how many cases have investigative judges in the Nineveh counterterrorism court opened such investigations and what was the outcome of these investigations?

In the second account Human Rights Watch presented from a former detainee he also detailed allegations of being held in overcrowded conditions and being

forbidden from speaking for 11 months between May 2017 and April 2018 in the Ministry of Interior's Intelligence and Counter Terrorism prison in the town of Qayyarah. He also said that he saw other men returning from interrogations with signs of torture on their bodies. We believe that these allegations are sufficient to open an investigation into detainee treatment at the Ministry of Interior's Intelligence and Counter Terrorism prison in the town of Qayyarah between May 2017 and April 2018. Such investigations should seek to answer the following questions:

- Between May 2017 and April 2018 were detainees being held in overcrowded conditions and being subjected to unreasonable communication restrictions? We have visited this facility and reported on our serious concerns with the conditions there: <https://www.hrw.org/ar/news/2017/03/15/301139>
- Between May 2017 and April 2018 were detainees subjected to torture and ill-treatment? What officers were responsible for detainee interrogations and what efforts have been made to investigate their involvement in torture and ill-treatment?

While we understand investigations of this nature will take time, we urge your office to commit to conducting them now. If you are able to commit to doing so we would of course acknowledge this publicly in our reporting as an important sign that the Iraqi government is taking steps to ensure detainees are afforded their full rights while in detention and before the courts.

As mentioned, Human Rights Watch will incorporate any response received by August 16, 2018 in our public report and will issue an update to the report if we receive a response from your office after that date. Please direct your response and any questions to my colleague Senior Iraq Researcher Belkis Wille via email or phone at [REDACTED]@[REDACTED].[REDACTED] or +[REDACTED]-[REDACTED]-[REDACTED].

Thank you for considering our request.

Sincerely,

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