



Responses from Kurdistan Region's Department for International Advocacy to Human Rights Watch

14 December, 2018

Children detained for alleged ISIS affiliation:

- Within the first half of 2018, the number of ISIS suspects who are being held by the Kurdistan Regional Government (KRG) is indicated in the table:

Charges	Nationality	<u>The Directorate of the Detention Facility</u>								Male	Female	Total
		Charged				Detained						
		Above 18		Under 18		Above18		Under18				
		Male	Female	Male	Female	Male	Female	Male	Female			
Terrorism	Iraqi	1341	14	97	N/A	1	12	44	1	1483	27	1510
	Turkish	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2	3	5
	Iranian	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	2	14
	Syrian	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5	N/A	5
	Other	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2	2
	Total	1360	14	97	N/A	1	12	44	1	1502	34	1536

Number of children detainees charged with terrorism is as follows:

- Out of 121 children detainees for alleged ISIS association 58 have been convicted.
- The Juvenile Court in Erbil conducted 194 trails of children detainees between 1 July 2017 and 14 February 2018. Two detainees were released.

Steps taken by KRG to guarantee rights of detainees:

- Relatives of the detainees are immediately informed about the detention of their family members and the reasons behind their detention.
- When a detainee is held for alleged ISIS affiliation based on evidence collected by the security forces and the detainee's confession, the detainee is provided with the right to attorney as well as the right to file a lawsuit against security officers for alleged ill-treatment against them.

Rights of detainees are the following:

1. The detainees accused of ISIS affiliation and membership enjoy the same rights as other prisoners.
2. The detainees are allowed visitations from their relatives and families.
3. The United Nations High Committee for Refugees (UNHCR) has taken up the task to find the families of detainees who are out of reach. To this end, the UNHCR has been able to locate several families of the detainees.
4. If necessary, the detainees are allowed to make phone calls with the presence of a security officer.
5. Many of them have been released, and others are currently waiting for the Appellate Court to review their cases.
6. The detainees are allowed to receive visitations from the local and international aid organizations including Qandil, Masela (name as received), UNHCR, Kurdistan Save the Children, and UNICEF.
7. UNICEF oversees an initiative coordinated by the KRG with the Iraqi ministers of Labor and Education to provide the detainees with education in Arabic.
8. Certain [aid] organizations supervise the detainees' release process in order to protect them from being used by other extremist groups again.

9. The detainees are provided with training courses, such as hairdressing, photography, and fixing air conditions.

10. The certificates the detainees receive for completing these training courses are awarded to them by the aid organizations instead of the detention facilities. This is to ensure that the certificates help them find employment when they reintegrated with society.

Steps taken by KRG to prevent torture and other forms of ill-treatment of detainees:

According to section 111 of Iraqi Criminal Code, arrests cannot be made without the court's order. Without the arrest warrant issued by judges, as stipulated in section 23 of Iraqi Criminal Code, the Ministry of Interior has no authority to conduct arrests.

Section 19 of the Iraqi constitution requires the detention of suspects in facilities belong to the Ministry of Interior where social and health care are provided under the state supervision.

With respect to holding detainees for a long period of time without trial, those who have been held for over six months without their legal status being finalized, their cases would be sent to the Appellate Court for revision.

As for the allegations of torture, all forms of torture and ill treatment of detainees are prohibited. The practice of ill treatment is generally rare in the Kurdistan Region's detention facilities. Authorities would immediately launch investigation on any allegations of torture and hold those accountable who are responsible for torturing the detainees. These investigations, if any, are largely conducted into criminal cases. To ensure the wellbeing of the detainees, the interrogations are conducted with the presence of the attorney.

Guidelines to prevent torture and ill treatment of ISIS detainees:

- Suspects who are tortured during interrogation have rights to file complaints against the interrogating officer. Section 19/3 of Iraqi constitution stipulates that everyone shall have equal access to the legal process.
- Detainees who file lawsuit for allegations of torture must provide evidence to back their claims as indicated in Iraqi criminal code section 23 of 1971. They are often required to provide doctor's report to support their case.

- If the defendants fail to provide evidence to back their allegation of torture, their case would be thrown out according to section 8 of Iraqi criminal code.
- According to section 333 of Iraqi criminal code, torture is a crime. Any staff members or officers engage in torturing detainees for the purpose of extracting confession will be punished with imprisonment.
- If the detainees were tortured during interrogation, they should immediately inform the judge when appearing at the court to give their statement. The judge usually asks whether the confession was given voluntarily or extracted under pressure. If there are indications of forced confession, the investigative judge would take necessary steps to investigate the allegations.
- Sometimes detainees make false allegations against the interrogating officers in order to convince the judge to reduce their prison sentences.

Access to medical and mental services:

- If necessary, the detainees will have access to hospitals. Inmates with chronic diseases have constant access to medical personnel at the detention facilities and they are allowed to cook their own meals.
- In the case of medical emergency, the detainees are provided with ambulances and first aid performed by doctors on site. If they require further treatment, they will be taken to hospital.
- Detainees receive visitations from Red Cross, Kurdistan Save the Children, Zhyan for Human Rights, Hawkari, and the Lawyers' association. These organizations provide the detainees with legal, mental, and social services.

Coordination between KRG and Federal government regarding ISIS detainees:

In a coordinated effort with the related departments, the Kurdistan Regional Government (KRG) transferred a number of ISIS detainees to the custody of the federal government. In one occasion, the Investigative Court of Erbil ordered the transfer of 277 ISIS detainee cases, who were being held in the Kurdistan Region under the anti-terrorism law, to be tried in a terrorism court in Nineveh. The detainees were transferred in several stages with each time 50 to 55 detainees. In

addition, the same court in Erbil transferred the cases of another 576 detainees to be tried in Al-Rusafa Court in Baghdad. All of them were flown to Baghdad in several stages.

Email:

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Greetings! Please find attached the responses to the questions addressed to the Kurdistan Region's Department for International Advocacy by ■■■■ ■■■■ on 14 December.

Sincerely,

Dindar Zebari

The chair of Kurdistan Region's Department for
International Advocacy