

KRG International Reports Committee: Statement on Human Rights Watch Report

January 11, 2018

Human Rights Watch published a report on December 21, 2017 titled *Kurdistan Region of Iraq: 350 Prisoners 'Disappeared'*. HRW report claims that a number of ISIS affiliates were detained in KRG Security prisons in Kirkuk and disappeared following the October 16 events when the Iraqi forces attacked Kirkuk and disputed areas.

The KRG International Reports Committee hereby issues this statement as a response and clarification to the HRW report the details of which according to our reliable sources are as follows:

There was only one provisional prison in Dubs which was in place in the process of the liberation of Hawija. During the displacement of people from Hawija, around 1000 Sunni Arab ISIS affiliates turned themselves in to the KRG security forces. Not one detainee was held in Kirkuk Asayish detention facilities. Later on, Asayish and Counter-Terrorism Department transferred them to KRG Public Security facilities in Erbil as there were not any prisons in Kirkuk. The role of Kirkuk Asayish was facilitating 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 commences upon the arrival of the displaced persons to the frontlines to prevent ISIS affiliates from infiltrating the region. The KRG forces have considered traditional values and customs in that they do not screen the women but only men. They have notified the family members of ISIS members and affiliates of their arrest, the right to see their families, and the right to an attorney. They are later transferred to reception centers where they are provided with essential aid and services.

ISIS affiliates who are cleared after an investigation are released and those who are charged will be 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 their families are allowed to have access to them.

The arrest process for the mentioned 350 prisoners in HRW report was different from the ones mentioned above as they submitted themselves to the KRG security forces. The security forces had not charged them; they willingly admitted their affiliation to 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.

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 order the formation of a joint committee headed by the KRG Committee of International Reports with UNAMI and the cooperation of 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.