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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights and
Immigration, International-Lawyers.Org, Union of Arab
Jurists, United Towns Agency for North-South Cooperation,
non-governmental organizations in special consultative
status, International Educational Development, Inc., World
Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2021]

* Issued as received, in the language(s) of submission only.



The Continued Human Rights Violations Inside Iraqi Prisons

Introduction

The continuation of the inhumane treatment of Iraqi prisoners and detainees inside the prisons in the Republic of Iraq is an issue of increasing concern. Tens of thousands of Iraqi civilians have been subjected to unfair trials and grave violations during their imprisonment.

The use of the worst means and methods of torture constitutes a flagrant violation of all international rules and standards related to the treatment of prisoners and detainees.

The Iraqi High Commission for Human Rights has referred to some of these cases and has raised periodic reports on these issues. However, the Ministry of Justice has more than once refused an investigation committee to enter prisons to verify the complaints received by the Commission related to bargaining, exploitation, and violation of fundamental human rights.

Through this written statement, we seek to highlight several facts about Iraqi prisons. Apart from the poor conditions, torture, humiliation, and maltreatment, prisoners are subjected to forced drug-taking, human trafficking, and human organ trade.

In addition to being victims of human rights violations, many prisoners are charged with terrorism-related charges, with no sufficient evidence. The Anti-Terrorism Law no. 13 of 2005 is systematically and strategically misused in order to legitimize these arrests, for several purposes based on discriminatory grounds.

Unfair Trials and Extrajudicial Executions

The right to a fair trial is found in articles 14 and 26 of the International Covenant on Civil and Political Rights, which Iraq ratified on 25 January 1971. This right serves as an important element to ensure justice and protection of all prisoners and detainees.

The death penalty in Iraq is imposed on people convicted of a wide range of acts that not all of them can be categorized as one of the "most serious crimes". However, if a person is convicted of one of the crimes stipulated in the law, the person will face the death penalty, according to Articles 2 and 3 of the Anti-Terrorism Law (No. 13) of 2005. In this case, many Iraqi civilians have been illegally convicted of crimes under these articles, in addition to being denied the right to fair trials. Under brutal techniques of torture, many of them are compelled to confess to crimes they did not commit. These confessions would therefore lead to arbitrary or extrajudicial executions.

The United Nations High Commissioner for Human Rights, Michelle Bachelet, has in a statement issued on 17 November 2020, expressed her concerns regarding the executions in Iraq, following the ratification of 21 death sentences of men convicted with terrorism related charges. The High Commissioner further called on Iraq to "to halt any further executions" and stated that the death penalties "may amount to an arbitrary deprivation of life by the State" in the light of the frequent violations of fair trials and the lack of effective legal representation.

However, most recently, and following the suicide bombings that occurred on Thursday, 22 January 2021, in the capital of Iraq, Baghdad, the Presidency of the Republic announced the ratification of more than 340 death sentences of Iraqi prisoners. The announcement has raised significant concerns as the death penalty is frequently used as a political tool to conceal the authorities' failure to protect its people and their total disregard for international law.

Torture and ill-treatment

The severe ill-treatment inside the Iraqi prisons is a violation of the rights of prisoners and detainees guaranteed to them by international human rights and humanitarian law, which stipulates that local authorities must provide prisoners with their basic needs such as food, sleep, medical assistance, and psychological safety. However, the continuation of these violations is a clear indicator of the aggravation of prisoners' tragedy inside the prisons in Iraq. The violations further include the families of the detainees who are subjected to harassment and ill-treatment during the visits.

Nasiriyah Central Prison, also known as "al-Hoot" Prison, is located in the city of Nasiriyah, in Dhi Qar governorate, which is the largest Prison in Iraq. According to their families, this prison has registered an increase in the number of inmates who died under torture. Their relatives also confirm that some of them died due to disease, neglect, and ill-treatment.

Rahim al-Daraji, a member of the Iraqi Parliament, has confirmed in an interview on al-Rasheed TV Channel, on January 23, 2021, the use of brutal torture methods inside the prisons, such as deprivation of sleep, suffocation, electrocution, and hanging upside down for several hours, have resulted in death to many prisoners.

Furthermore, women detained on charges related to the Anti-Terrorism Law (No. 13) of 2005 or accused of prostitution are subjected to systematic rape in government prisons by prison officials. These women are further subjected to various types of torture, including brutal beating, hair shaving, humiliation, and burning in different parts of the body.

The Iraqi High Commission for Human Rights has warned of the repercussions of the outbreak of the coronavirus in Iraqi prisons, calling for urgent measures such as a temporary release of detainees. However, the Iraqi authorities have ignored these calls, and have continued to pursue a policy of withholding official data regarding the numbers of detainees, and their health conditions, as well as deaths.

Sectarian Discrimination

The prisoners are often subjected to psychological harassment. The right to religious practices, such as performing prayer, should be guaranteed under the Iraqi constitution; however, prisoners of the Sunni majority are often prohibited from practicing their religious rituals. Moreover, the prison officials often use sectarian insults with the prisoners themselves and their family members when they visit.

The prisoners are separated inside the prisons based on the sect they belong to. However, this separation is not for the purpose of prohibiting a conflict based on sectarianism among the prisoners, but for the reason to distinguish them and treat the prisoners based on their sectarian background.

Human Organ Trade and Human Trafficking

Grave human rights violations have been taking place inside the al-Taji Prison, which is located in the capital Baghdad. It is reported that the prison warden deals with the prisoners in the most discriminatory manner. The warden has been reportedly collecting vast amounts of money from selling detainees to other prisons, as well as bargaining with the prisoners' families during their visit.

Moreover, the violations inside the al-Taji Prison include the trafficking in human organs, where inmates inside the Prison are offered, rather forced, to sell their body parts with funds ranging between ten to fifty million dinars according to the prisoner's blood type. The organs sold are particularly kidneys and livers. Therefore, prisoners turn into a source of profit for the perpetrators inside these prisons.

The Iraqi authorities' lack of responsibility has further exacerbated these crimes as the prison officials, the militia forces, and the security forces commit these violations with complete impunity.

Conclusions and Recommendations

The practice of subjecting prisoners and detainees to abusive and humiliating conditions is used by interrogators as a method of putting pressure on them in order to obtain a confession or to gather the information they need. Moreover, inhumane treatment is often based on sectarian grounds, in which the Sunni prisoners are those mostly subjected to these grave human rights violations.

The NGOs signatories to this statement are deeply concerned over the brutal human rights violations inside the Iraqi prisons. The absence of an independent judicial system is further exacerbating these violations. The militias' interference has created a paralyzed judicial system in which victims are denied the legal assistance they are entitled to.

Accountability for those violations that occurred in the past must be provided, and measures need to be developed to guarantee an end to the violations inside the Iraqi prisons.

The authorities should ensure that there is a clear legal basis for detention, that all detainees have access to a lawyer, including during interrogation. Judges should order the release of detainees if there is no clear legal basis for the detention or if the government cannot remedy the inhuman or degrading conditions in which they are being held.

We call on the UN Human Rights Council to:

- urge the Government of Iraq to comply with the international human rights law and to guarantee a fair trial to all prisoners and detainees.
- urge the relevant Iraqi authorities to transfer detainees to official prisons that are easily accessible to visitors, including government inspectors, investigation committees, relatives and lawyers.
- call on the relevant United Nations bodies to document the crimes committed inside these prisons, and ensure that the most basic human rights needs are met.
- establish an international independent investigation committee to investigate the human rights violations inside the prisons of Iraq.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.