

Report on Human Rights in Iraq July to December 2016



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United Nations
Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Recommendations

Recommendations to the Government of Iraq

General

- Review the reservations made by Iraq upon accession to international human rights treaties, with a view to their possible withdrawal.
- Accede to the 1951 Convention relating to the Status of Refugees (and its 1967 Protocol); the 1954 Convention relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; and the Additional Protocol II to the Geneva Conventions of 1949; and ratify the Rome Statute of the International Criminal Court.
- Guarantee the independence and effective functioning of the Iraq High Commission for Human Rights in accordance with the principles established by United Nations General Assembly resolution 48/134 (1993) (“The Paris Principles”).
- Accept individual complaints procedures under relevant international conventions to which Iraq is a Party.

Protection of Civilians

- Ensure that all armed groups operating in support of the Iraqi Security Forces (ISF) are under the full command and effective control of the civilian authorities of the Government of Iraq, that the structure and lines of command and discipline of such forces are based on the law, including a system to hold the members of such forces accountable according to law for any violations of international humanitarian law and human rights violations or abuses of Iraqi criminal law that they may commit.
- Take urgent action to prohibit the recruitment or use in hostilities of children by any armed group operating in support of the ISF, and ensure that any child found to have been recruited is immediately protected and referred to appropriate services to assist his/her rehabilitation and reintegration into her/his family and community.
- Implement measures to prevent inter alia destruction of property, arbitrary or unlawful arrest/detention, forced evictions and killings of civilians during military operations against ISIL and/or in areas retaken from ISIL, or which have been reported against IDPs in other areas of Iraq (and which constitute violations of IHL and the Constitution and laws of Iraq) and ensure that all such allegations are promptly, thoroughly, independently and impartially investigated, and that those responsible for such acts are held accountable.
- Take measures to ensure that the freedom of movement of all Iraq’s citizens is respected and protected, that the rights of IDPs are fully protected and respected, and that no IDP will be forced or coerced to leave areas where she/he has sought safety against her/his will, and that the return of IDPs to their places of origin will be voluntary and will take place in dignity and safety and in full compliance with their rights and international legal and humanitarian standards.
- Take steps to prevent collective punishments by local authorities, particularly of the family members of individuals who supported, or were suspected of supporting ISIL and other armed or terrorist groups, including orders purporting to expel or banish such persons, or orders purporting to confiscate, sequester, or destroy their moveable or immoveable property in contravention of the Constitution of Iraq and Iraq’s international obligations.

- Ensure that where military operations to liberate areas from ISIL are ongoing, that to the maximum extent possible and in full compliance with applicable norms and standards of IHL and IHRL, the Constitution and laws of Iraq, the ISF and other armed groups operating in its support, protect civilians:
 - Continue to facilitate the safe passage of all civilians, from areas of active hostility, ensure unimpeded access to safe areas, and ensure their full access to life saving and other humanitarian assistance and that access to them by humanitarian organisations is facilitated.
 - Every feasible effort is made to ensure that children (formerly) associated with armed groups captured during military operations are appropriately protected and that they are referred at the earliest possible opportunity to programmes that will guarantee their care, protection, rehabilitation and reintegration to their families and/or communities.
 - Ensure that arrest, detention or internment of any individual on security grounds in relation to the ongoing conflict are implemented only by government authorities properly authorised to do so under Iraqi law and that the grounds, duration and conditions of such arrest, detention or internment are properly and clearly provided by law.
 - Ensure that any security vetting of individuals detained during military operations is carried out only by government authorities permitted to do so under Iraqi law, and that all such vetting is carried out in a transparent manner, and in locations that are properly and publicly identified for such purpose, and ensure that they are treated with humanity and respect for their inherent dignity and that all humanitarian needs of persons interned on security grounds are met for the duration of their detention.
 - Ensure that where an arrested/detained or interned person requests every effort is made by the Government to inform family members or next of kin of the location of the individual and the legal grounds on which the individual has been arrested, detained or interned.
 - Ensure that security vetting is carried out as effectively and as efficiently as possible, that individuals are processed as quickly as possible and that they are either released to safe locations; or if internment is to be continued beyond the minimum period stipulated by law, that the case is referred to a judge for determination according to law; or where evidence warrants charge and trial of such individuals, that she/he be handed over to the Ministry of Interior/Ministry of Justice and that all due process and fair trial standards as guaranteed by the Constitution of Iraq and international law are strictly respected in relation to such persons.
- Ensure that survivors of human rights violations or abuses, particularly of sexual and gender-based violence, receive adequate support, including psycho-social support and medical care.
- Take steps to fully implement Security Council resolution 1325 on women, peace and security.
- Implement policies and programmes aimed at countering radicalization of persons subjected to extremist indoctrination by ISIL and other groups, particularly policies that will provide for the care and protection of children, in compliance with international standards,

who have been subjected to extremist indoctrination, particularly policies and programmes that will support their rehabilitation and reintegration into their communities and families.

- Implement policies to protect women and girls, who have been married, including forcibly with members of ISIL or other unlawful, extremist and/or terrorist groups, as well as the children of such relationships (whether such marriages were forced/coerced or otherwise entered into) – including ensuring: their protection from all forms of violence; the issuance of legal documentation in relation to their status and the status of their children; their access to all essential services (medical, financial, and other); their access to programmes aimed at their rehabilitation and reintegration into their communities and/or families; and policies and programmes aimed at protecting such women and children from all forms of discrimination.
- Implement policies that will ensure the care and protection of children who may have been born as a result of sexual violence perpetrated by ISIL or others.
- Ensure that, as soon as practicably possible after liberation of areas from ISIL control, responsibility for law and order is restored to civilian control, and that measures are taken to ensure the human rights and basic humanitarian needs of civilians residing in those areas or voluntarily returning are met.
- Investigate effectively, promptly, thoroughly, independently and impartially any allegations of human rights violations or abuses and violations of international humanitarian law and, where appropriate, prosecute those who are responsible for such acts. Ensure that the findings of such investigations are made public.
- Implement procedures for documentation at the required judicial standard of crimes committed in relation to the current conflict;
- Equally ensure that appropriate mechanisms are put in place to ensure the rights of all victims or their relatives to have access to effective remedies, including the right to equal and effective access to justice and adequate, effective, and prompt reparation for the harm suffered.
- Ensure procedures for the protection, excavation and investigation of mass graves are properly legislated, along with appropriate measures to excavate such sites and exhume and identify the mortal remains, and to preserve evidence of crimes committed; including any that may lead to the identification of perpetrators.
- Conduct independent, public coronial inquiries (under the authority of a judicial officer) into each mass grave, to identify the victims, collect evidence of wrongdoing, and thoroughly investigate and determine the circumstances that led to the deaths of the individuals concerned; ensure that family members of victims and missing persons are provided with all available information and adequate and timely financial, material and other assistance.
- Introduce amendments to the Iraqi Criminal Law to grant domestic courts' jurisdiction over international crimes committed in Iraq.
- Accede to the Rome Statute of the International Criminal Court. As an immediate step, accept the exercise of the Court's jurisdiction with respect to the specific situation faced by the country, pursuant to Article 12(3) of the Rome Statute.
- Ensure that appropriate resources and training for police and security forces are provided to assist investigation of crimes, including acts of terrorism, so that perpetrators are held to account according to the law and international human rights norms and standards.

- Develop policies to address the conditions conducive to armed conflict, terrorism and violent extremism that promote the respect and protection for human rights and the rule of law, including re-engaging affected communities in decisions relating to their security, ensuring effective protection through impartial security forces, undertaking comprehensive criminal justice law reform to ensure compliance with due process and fair trial standards, implementing programmes aimed at countering radicalization and violent extremism and strategies to eradicate poverty by ensuring access to basic services, education and economic opportunities, and ensuring integrated and comprehensive programmes for the medical, psychological, financial and other forms of support for the victims of armed conflict and terrorism and their dependents.

Rule of Law and Administration of Justice

- Undertake comprehensive criminal justice reforms, including of the Iraqi Criminal Code no. 111 of 1969, the Iraqi Criminal Procedures Code no. 23 of 1971, and the Anti-Terrorism Law no. 13 of 2005 to ensure their provisions comply with international human rights law and the Constitution of Iraq, including with regard to rights of due process and fair trial.
- Allocate sufficient resources to training police and investigators on due process and fair trial standards, and on appropriate techniques for investigating crimes, including the gathering of forensic and other evidence.
- Ensure compliance by all State officials and their representatives with Iraq's Constitutional and international legal obligations, including in relation to the full implementation of the Convention against Torture. Ensure that all allegations of torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment) are promptly, thoroughly, impartially and independently investigated, that perpetrators are charged and tried according to law, and that victims are appropriately and adequately compensated, including by providing appropriate medical, social and other assistance.
- Establish an independent oversight body, such as an ombudsman or police disciplinary tribunal, to investigate allegations of abuse of authority or breach of professional standards by police.
- Establish a judicial police service responsible for bringing detainees from police detention to hearings with the investigative magistrate. Also ensure defendants who have been before the investigative magistrate are not returned to police custody and are released on bail or transferred to Ministry of Justice facilities.
- Extend the Judicial Investigations Office, piloted in Basra and to a limited extent in the governorates of Thi Qar, Maysan and Muthana, is extended to all areas of the country.
- Ensure that Police Commanders are rotated in accordance with institutional directives.
- Ensure that judges' security and safety is guaranteed.

Death Penalty

- Declare a moratorium on the use of the death penalty in accordance with United Nations General Assembly resolutions 62/149 (2007), 63/168 (2008), 65/206 (2010) and 67/176 (2012); review the criminal code and the criminal procedure code with a view to abolishing the death penalty or limiting its potential application to only the most serious crimes; and consider acceding to the Second Optional Protocol to ICCPR aimed at abolishing the death penalty.
- Implement international standards that provide safeguards of the rights of those facing the death penalty, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, until the death penalty is abolished in Iraq.

- Establish a special judicial oversight body to monitor trials related to capital punishment in collaboration with the Iraqi High Commission for Human Rights to ensure respect for due process and fair trial standards.
- Issue directives to judges making clear that a conviction of an accused solely on the basis of confession or evidence obtained under duress, particularly where allegations of torture and/or ill-treatment inflicted during investigation, or based on the testimony of secret informants amounts to a human rights violation.

Women's human rights

- Revise the draft Family Protection Law to ensure that it includes measures to prevent sexual and gender based violence, offers protection to the survivors of SGBV, and ensures accountability of the perpetrators of such violence, in compliance with international standards and ensure its earliest adoption.
- Fully implement the commitments made in the Joint Communique of the Republic of Iraq and the United Nations on Prevention and Response to Conflict-related Sexual Violence dated 23 September 2011, including full implementation of the National Strategy on Combating Violence against Women:
 - Review all legislations to ensure it promotes the rights and protection of women, in particular that the Iraqi Criminal Code no. 111 of 1969 is amended to remove 'honour' as a mitigating factor in the commission of crimes of violence against women and family members.
 - Provide adequate resources for social and medical support, including establishment of shelters, for victims of domestic or other forms of violence.
 - Issue directives that require officials responsible for law enforcement and administration of justice to promptly, thoroughly, independently and impartially investigate all allegations of violence against women, and to ensure that the perpetrators of such acts are held accountable.
 - Conduct appropriate training courses on gender issues, particularly violence against women, for all State officials, including those responsible for law enforcement and the administration of justice so as to enable them to address cases in an appropriate and sensitive manner.
- Take additional measures to prevent forced and/ or early marriages and ensure that victims (and any children that may have been born as a result) are provided with appropriate legal, medical, financial and other support.
- Ensure police conduct prompt, thorough, independent and impartial investigations into suspected "honour crimes".

Children's rights

- Reform the juvenile justice system to ensure that the arrest, detention or imprisonment of a child is in conformity with international standards and the law and is used as a measure of last resort and for the shortest appropriate period of time. Ensure that every child deprived of liberty has prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.
- Ensure that children deprived of liberty are treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs

of children of different ages. Ensure in particular that juvenile detention facilities provide access to services and conditions appropriate for the physical and mental care and development of children, and that all staff members working with children are appropriately trained in the care of children.

- Ensure the implementation of programmes to guarantee access of all children, particularly mentally or physically disabled children, to basic services, including healthcare, housing and education in compliance with international law and standards. Establish a formal mechanism for child protection and information sharing with the United Nations Country Task Force on Monitoring and Reporting in compliance with Security Council resolution 1612 (2005).
- Repeal article 407 of the Iraqi Criminal Code no. 111 of 1969, which contains special measures for persons who kill children for reasons of honour.

Rights of ethnic, religious and other groups

- Ensure that the draft *Law on the Protection of the Rights of Religious and Ethnic Minority Groups* as proposed by Iraqi civil society organisations is enacted, ensuring that the law contains: an appropriate and inclusive definition of minorities; a mechanism via which minority groups can claim protection for cultural, religious, linguistic and heritage rights; cross references other legislation; removing any uncertainty about its primacy; and mechanisms for implementation capable of making binding decisions.
- Adopt the proposed *Law on Protection of Diversity and Prohibition of Discrimination* by Iraqi civil society organisations that aims to eliminate discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, disability, birth, or other status.
- Establish a directorate within the office of the Prime Minister reporting directly to him that will develop and monitor policies in relation to advancing the respect and protection of the rights of minority ethnic, religious and other groups.
- Adopt and implement legislation to prohibit incitement to violence based on race, colour, sex, language, religion, political or other opinion, national or social origin, disability, birth, or other status.
- Ensure all violent incidents against minority groups are thoroughly investigated, perpetrators brought to justice in a timely and transparent manner, and communities consulted about decisions related to enhancing their security.
- Undertake revision and reform of the school curricula to introduce programmes aimed at promoting equality and respect for all persons, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, disability, birth or other status.

Rights of Persons with Disabilities

- Review and amend the Law no. 38 of 2013 on the Rights and Privileges of Persons with Disabilities to ensure it complies with the Convention on the Rights of Persons with Disabilities, and relevant international human rights norms and standards and that the law is fully implemented.

Right to freedom of expression and opinion

- Undertake a review of all existing laws and policies (including the *Draft Law of Freedom of Expression, Assembly, and Peaceful Protest*) to ensure that they provide and protect the right to freedom of expression and opinion of all persons, and repeal those provisions of

the criminal laws concerning defamation, etc., as recommended by the United Nations and civil society organisations.

- Ensure that all prospective legislation respects and protects the rights of all individuals to receive and impart information freely and without hindrance, subject to certain restrictions, as provided by law and as necessary in accordance with its obligations under international human rights law. Ensure journalists and media workers are protected against harassment and violence in the performance of their profession, and that all allegations of such harassment or violence be promptly and thoroughly investigated, and those responsible held accountable according to law.

Right to freedom of assembly

- Ensure the right of individuals to demonstrate peacefully is fully respected by police and other State authorities in line with applicable international norms.
- Ensure training for police and other law enforcement officials on civilian crowd control in compliance with international standards.
- Undertake public education campaigns aimed at creating awareness of individuals' rights, special duties, and responsibilities, particularly in relation to the rights to freedoms of expression, opinion and assembly.

Recommendations to the Kurdistan Regional Government

Protection of civilians

- Ensure that all armed forces operating in support of the Kurdish Security Forces (*Peshmerga*) are under the full command and control of the civilian authorities of the Kurdistan Region of Iraq Government, that the structure and lines of command of such forces are properly legislated, including a system to hold the members of such forces accountable according to law for any violations or abuses of international humanitarian law and international human rights law or Iraqi criminal law that they may commit.
- Implement measures to prevent extra judicial punishments, including destruction of property (movable or immovable), unlawful arrest/detention, expulsions and killings of civilians during military operations against ISIL and/or in areas retaken from ISIL and ensure that all such incidents are properly and transparently investigated, and that the perpetrators of such acts are held accountable according to law.

Rule of law and criminal justice

- Ensure that fair trial rights are fully respected in relation to all detainees, including persons who have unlawfully engaged in hostilities and who are being detained by the Kurdistan Regional Government. This includes that they are promptly informed of the charges, they have access to independent legal counsel, and they are brought before a court to be tried within a reasonable time.
- Release immediately or prosecute and bring to trial all detainees held for prolonged periods of time without charge.
- Without any exceptions, ensure that juveniles are accorded all fair trial rights and protections as required by international law applicable to juveniles subject to the criminal justice system.

Detention Standards

- Develop strategies in line with resources and reality, and which consider a full range of criminal justice policy and practice options, for the short, medium and long-term reduction of overcrowding in detention facilities.
- Provide resources to alleviate overcrowding in detention centers established in conflict areas in the wake of Mosul Operation and improve the living conditions of persons awaiting trial, in light of the increased number of terrorism-related arrests.

Death Penalty

- Reinstate and make official the moratorium on the death penalty, including in relation to current convicts sentenced to death in Kurdistan Region of Iraq, as well as initiate a campaign to counter social media incitement to capital punishment.

Rights of Women

- Strengthen the capacity of police, investigators, judges and prosecutors, including through training, to ensure cases of domestic violence are handled in an appropriate and sensitive manner that prioritises victim-safety.
- Develop programmes to assist women leaving shelters to lead a normal life, through for example employment initiatives and workforce training, and opportunities for continuing (adult) education.

Rights of Religious and Ethnic Groups

- Endorse the study presented to MoE by UNAMI/OHCHR on the school curriculum and public education on human rights principles and fundamental freedoms to foster universal values, equal opportunities, respect for diversity and non-discrimination.

Rights to Freedom of Expression and Opinion

- Ensure the unrestricted work of media professionals; take measures to prevent violations and protect journalists from harassment and violence in the performance of their profession; and conduct prompt and transparent investigations into all violations against media outlets and media workers.

Kurdistan Region of Iraq (KR-I) Regional Human Rights Institution

- Support the independence of the Board of Human Rights and encourage its compliance with the Paris Principles.

Executive Summary

This report is published by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). It covers the period from 1 July to 31 December 2016.

The general human rights situation remained of concern as Iraqi forces continued to confront the so-called Islamic State of Iraq and the Levant (ISIL) in its remaining strongholds in the country. Armed conflict, violence and terrorism continued to claim civilian lives, inflicted injuries, destroyed private and public property, and impaired access to essential services. From 1 July 2016 to 31 December 2016, there were a minimum of 9,969 civilian casualties, including at least 4,143 persons killed and 5,826 wounded, as a result of the armed conflict, terrorism and violence in Iraq.

In mid-October the Government commenced military operations to retake Ninewa and Mosul city in particular. In areas remaining under its control, sources reported to UNAMI/OHCHR that ISIL continued to exploit civilians as human shields to protect its fighters or strategic locations from attack or to ensure civilian casualties in the event they were targeted by Government forces and forces operating in support of the Government of Iraq. ISIL also continued to target people suspected of not supporting its *takfiri* doctrines or opposed to its control, including religious and community leaders, former members of the Government of Iraq and the Iraqi security forces, professionals (including medical, education, and media), women (particularly women professionals) and ordinary Iraqi citizens. ISIL also continued to target members of Iraq's minority ethnic and religious communities and to destroy places of religious and cultural significance. Large numbers of women, particularly from minority ethnic and religious communities have been subjected to conflict related sexual and physical violence (by ISIL predominantly) while hundreds of thousands of children living in ISIL areas of control have been subjected to indoctrination in ISIL's so-called schools and training centres. Children also continued to be exploited by ISIL to serve as fighters, suicide bombers and to commit a range of other violent acts, including beheadings. There are few services available to assist the rehabilitation and reintegration of such women and children into their families and communities – and women and children subjected to rape and other forms of sexual and physical violence remain particularly vulnerable.

As the Mosul campaign commenced, ISIL ruthlessly exploited civilians as human shields to protect its bases, strategic locations and fighters, and as it retreated from areas, on a number of occasions, attacked oil fields and other dangerous forces with a devastating impact on local communities. Throughout this time, ISIL continued to launch terrorist attacks against civilian targets in other areas of the country or to carry out such attacks irrespective of the impact on civilians.

UNAMI/OHCHR also received sporadic reports that Government forces and those associated with them, also committed violations against civilians, with a number of reported kidnappings, killings, and destruction of private property. Of particular concern were actions taken by Provincial administrations and purported agreements among local communities to expel family members of persons suspected of being associated with ISIL. Despite this, the Government of Iraq reiterated on a number of occasions its commitment to protecting civilians from the effects of armed conflict during the campaign to retake Mosul and areas of Ninewa remaining under ISIL control, and to hold accountable any individual, including members of the Iraqi Security Forces (ISF) and those associated with them who might perpetrate violations of human rights and Iraqi law. Similarly, the Government of Iraq instituted a security screening process for male civilians leaving areas of ISIL control during the campaign. In direct monitoring of a number of those security screening sites by UNAMI/OHCHR indicated that at these locations, such screening was being conducted in a satisfactory manner according to law. However there were concerns about the physical conditions (and lack of access to basic services and overcrowding) at a number of these sites.

As armed conflict, violence and terrorism continued to impact negatively on civilians directly, the respect for and protection of other human rights and the rule of law remained of concern. In relation to the rule of law there are ongoing concerns about the administration of justice, given the lack of due process and fair trial standards in Iraqi law and lack of respect for those rights in practice. UNAMI/OHCHR received reports that individuals, particularly those detained in Ministry of Interior, were subjected to torture to extract confessions which were later relied upon exclusively or substantially by the Courts to convict the accused. On many occasions, accused persons were not appropriately represented in legal proceedings and were not provided an adequate opportunity to prepare and present a defence. UNAMI/OHCHR has been working with a range of partners (Government, judicial and civil society) to develop a comprehensive package of criminal justice legislative and policy reforms that would ensure the respect and protection of due process and fair trial standards in Iraq's criminal justice system, as well as ensure access to justice and remove discriminatory provisions that impair the rights and protections of marginalized or at risk groups, including women, children, people with disabilities and members of Iraq's diverse ethnic and religious communities. UNAMI/OHCHR has also been actively engaged in providing training for law enforcement officials (police, prosecutors and judges) and in institutionalizing training on human rights and rule of law in their respective training academies.

Of continuing concern is the fact that Iraqi courts do not have jurisdiction over international crimes committed in connection to the ongoing armed conflict. Justice (formal and informal) for the victims and survivors of crimes committed in connection with the armed conflict in Iraq will be essential if community reconciliation, and hence national reconciliation, is to succeed. The Government of Iraq confirmed to UNAMI/OHCHR that nearly all individuals accused of supporting ISIL were being charged and tried under the Anti-Terrorism Law no. 13 of 2005. Despite evidence that there were substantial numbers of foreign fighters in ISIL's ranks, and Government forces have seized large numbers of passports evidencing the identities and nationalities of such persons, UNAMI/OHCHR was not able to find any captured foreign fighters among those being charged and /or tried for supporting ISIL in Iraqi prisons. UNAMI/OHCHR has been actively engaged with a range of actors (Government, Judicial and civil society) to consult on a range of options that if adopted and implemented would ensure Iraqi Courts jurisdiction over international crimes committed in Iraq and would enhance the respect and protection of human rights and the rule of law in the conduct of these processes. UNAMI/OHCHR has also been training law enforcement officials and civil society organisations on monitoring and reporting on crimes committed in the context of the ongoing armed conflict in Iraq, and in institutionalizing documentation of such crimes with the judiciary as a means of supporting prosecution of such crimes and other accountability processes. UNAMI/OHCHR has also been actively engaged in promoting informal justice mechanisms aimed at ensuring that the survivors of human rights violations and abuses will receive reparations, including appropriate medical, psycho social, financial, and other appropriate forms of support.

Conditions in prisons and detention facilities in Iraq remain largely substandard – overcrowding being the major concern (perhaps unavoidable given the closure of many facilities owing to the armed conflict and transfer of detainees and prisoners to more secure facilities and locations, many in the south of the country). Conditions for women and children in prisons and reformatories remain substandard - many children remain incarcerated in adult prisons – and there are few appropriate education, medical and social services for women and children held in such facilities, and almost no rehabilitation programmes.

Women and children in Iraq continued to be subjected to sexual and gender based violence, and there is no legislative framework that prevents and protects women and children from such violence, provides adequate or appropriate care to the survivors of such violence, nor guarantees accountability to the perpetrators of such violence. Women also continue to suffer from a range of discriminations that impair their access to education, healthcare and other services, and which hinders their full and equal participation in the political, social and economic life of the country.

Minority ethnic and religious communities (many of which have suffered large scale displacement as a result of the ongoing armed conflict in Iraq and physical destruction of their communities) continue to suffer from insecurity and discrimination, which impacts negatively on their full and equal participation in the political, social and economic life of Iraq. Similarly, people with disabilities still suffer from societal discrimination and barriers to the full enjoyment of their rights and which impairs their capacity to achieve their full potential in political, social and economic terms. Sexual minorities continued to face violence (including threats, abductions, harassment and at times killings) from members of armed groups, relatives, and on some instances government security forces, as well as other forms of serious discrimination.

There were ongoing concerns in relation to the respect and protection of the rights of freedom of expression and freedom of assembly. Media professionals continue to be subjected to threats, intimidation and at times physical attacks (beatings, abductions and killings) in the performance of their professions. While Iraqis continued to hold public gatherings and demonstrations in various places throughout the country, most of which passed off peacefully, there were a number of instances where security forces employed heavy-handed, and at times possibly disproportionate, responses to such public gatherings. Of particular concern, a bill was presented to the Council of Representatives on *Draft Law of Freedom of Expression, Assembly, and Peaceful Protest*, however, many provisions of the bill did not conform to Constitutional or international standards.

UNAMI/OHCHR continued to support the capacity of national institutions and civil society to promote the respect and protection of human rights and the rule of law. Key support was provided by UNAMI/OHCHR and UNOPS to the Committee of Experts (CoE) appointed by the Council of Representatives to undertake the process of nominations for the new Board of Commissioners (BoC) for the Iraqi High Commission for Human Rights (IHCHR). Nominations for appointment to the BoC were received in April/May 2016 and the CoE continued its work of processing the applications according to a transparent framework proposed by UNAMI/OHCHR that aims to ensure that suitably qualified and experienced individuals would be appointed to serve as Commissioners in compliance with Iraqi law and international standards. However, there were some concerns that political influence in the process would negatively affect the outcome.

UNAMI/OHCHR undertook a number of activities to build the capacity of Iraqi Ministries in relation to particular human rights and rule of law issues. UNAMI/OHCHR also worked with a range of civil society organisations throughout the country assist their capacities to identify gaps in the respect and protection of human rights and the rule of law in Iraq, to develop solutions to those problems, and to develop strategies and to engage in the implementation of those solutions. UNAMI/OHCHR also supported civil society in legislative reforms, including on anti-discrimination and sexual and gender based violence as well as a number of other reform initiatives.

Kurdistan Region of Iraq

UNAMI/OHCHR continues to engage with the Kurdistan Regional authorities in providing assistance on promoting and protecting human rights.

UNAMI/OHCHR expressed serious concerns about the application of the Criminal Procedure Code in proceedings based on terrorism charges, resulting in a number of due process issues. These include long delays in bringing detainees before a judge, restrictions on or denial of access to lawyers, and prolonged detention without trial. The criminal justice system largely relies on confessions to found convictions, and does not ensure redress mechanisms to process allegations of torture and other ill treatment raised by the defendants before the courts.

The current armed conflict has highlighted furthermore the vulnerability of ethnic and religious groups. The Kurdistan Region of Iraq (KR-I) is generously hosting thousands of internally displaced persons, including the Christian, Yazidi, Shabak, and Turkmen communities as well as Sunni Arabs.

Humanitarian Country Team, humanitarian partners, government authorities and donors have continued to invest tremendously in assisting vulnerable populations; however, financial, capacity and security challenges persist. UNAMI/OHCHR continues to highlight the acute lack of specialized psychological care provided for victims of violations, in particular conflict related sexual based violence. It became patent to UNAMI/OHCHR during the course of documenting eyewitness and survivor testimonies in displacement camps that there are large numbers of deeply traumatized women, children and men in need of specialized assistance.

During the reporting period, UNAMI/OHCHR welcomed the establishment of the Steering Committee co-chaired by the Kurdistan Regional Government (KRG) and the Independent Board of Human Rights (IBHR), and composed of representatives of civil society. The Steering Committee was established by the KR-I Prime Minister to lead the development of a regional human rights action plan (RHRPA) for the implementation of the recommendations made in the second cycle of Universal Periodic Review (UPR) for Iraq in 2014. The Head of the Department of Foreign Affairs led the process that aims at addressing the implementation of recommendations that apply to KR-I, as well as the role of KR-I in the next cycle of UPR scheduled to take place in 2019. Thematic areas of the RHRPA include the rule of law, women's rights, child and minority groups, freedom of expression, internally displaced persons, administration of justice, compliance with international law, and upholding human rights while combating terrorism. The draft RHRPA is planned to be adopted in early 2017. UNAMI/OHCHR provided technical assistance to support and facilitate this process.

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Human Rights in Iraq – July to December 2016

1. Introduction

This report is published by the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). It covers the period from 1 July 2016 to 31 December 2016. The issuance of this report has been delayed due to unexpected technical reasons.

The human rights situation in Iraq remained of concern, primarily owing to the ongoing armed conflict between the Government of Iraq and pro-Government forces and the so-called Islamic State of Iraq and the Levant ('ISIL' or '*Daesh*'). Armed conflict, violence and terrorism continued to effect on a range of human rights, including on access to basic services and economic opportunity for internally displaced persons and people living in areas impacted by armed conflict and violence, the rule of law and administration of justice, the care and protection of women and children from SGBV and CSRV and accountability for the perpetrators of such violence, the respect and protection of the rights of minority ethnic and religious and other communities, protection of sexual minorities, the rights of persons with disabilities, and the respect for the rights of freedom of expression and freedom of assembly. Access to basic services and economic opportunity remain serious challenges for many of Iraq's people.

2. Protection of Civilians

The ongoing-armed conflict, violence and terrorism in Iraq continued to have a terrible impact on civilians in terms of deaths, injuries, loss of personal property, destruction of essential infrastructure, impairment of livelihoods and access to essential services, and destruction of places of religious and cultural significance. ISIL continued to directly target civilians or to carry out attacks irrespective of the impact on civilians, and to exploit civilians as human shields to protect its fighters, bases and strategic locations from attack or to ensure civilian casualties in the event of attack. ISIL also targeted individuals who were suspected to be opposed to its *takfiri* doctrines or control, including religious and community leaders, persons associated with the Government of Iraq and the ISF, women, and a range of professionals, including medical, legal, educational and media professionals. ISIL also continued to target members of Iraq's ethnic and religious communities. ISIL carried out terrorist attacks in other areas of the country, many of which directly targeted civilians and civilian infrastructure.

Additionally, there were some reports that Iraqi Security Forces and forces associated with them may have committed violations, including a number of allegations of summary killings, kidnappings, destruction of property, and expulsions. Of particular concern were local community or provincial council orders or agreements which purport to expel family members of persons suspected of affiliation with ISIL from their homes. In other areas of Iraq, there continued to be a range of terrorist and other criminal acts (including bombings, killings, kidnappings and other acts of violence) by unidentified perpetrators.

Women, children, people with disabilities, aged persons, and members of Iraq's diverse ethnic and religious communities suffered disproportionately from the impact of armed conflict, violence and terrorism. Many individuals belonging to 'at risk' and vulnerable groups have been subjected to sexual and other forms of violence, including sexual slavery, while hundreds of thousands of children

have been subjected to indoctrination by ISIL and exploited to serve as fighters, to carry out suicide bombings, and to perpetrate other horrendous acts including beheadings. Such persons are in desperate need of basic services to assist them, including appropriate medical, psycho social, financial and other forms of support. Of particular concern is the reintegration of women and children who may have been subjected to sexual and other forms of violence into their families and communities. Particularly vulnerable are women and girls who were forcibly married to ISIL fighters, or who were enslaved, and who were subjected to rape and other sexual and physical violence, as well as the children that may have resulted from such violence.

In mid-October the Government commenced military operations to retake Ninewa and Mosul city in particular. At the commencement of the campaign and on a number of occasions subsequently, the Government of Iraq reiterated its position that the protection of civilians would remain paramount for the conduct of its operations against ISIL and that any individual, including members of the Iraqi Security Forces and forces operating in support, would be held accountable for any violations or crimes that they may commit. To support this commitment, UNAMI/OHCHR presented to the Government of Iraq and the KRG the “Principles for the Conduct of Security Screening of Internally Displaced Persons Fleeing ISIL controlled Territories”, a document containing directives in line with international norms, as guidance to the authorities, of the standards that should be applied in a consistent manner without any discrimination or arbitrary treatment in security screening operations of persons displaced into areas retaken by Iraqi Security Forces and forces operating in support.

In an unprecedented cooperation over the planning and conduct of the Mosul Operation between the Federal and Regional governments, President of the KR-I, Masoud Barzani, delivered a number of messages, including on 16 October, emphasizing the protection of civilians and stressing that “legal action would be taken against any Peshmerga fighter or military commander committing breaches”.

2.1 Civilian Casualties

From 1 July 2016 to 31 December 2016, a minimum of 9,969 civilian casualties resulted from the ongoing violence, including at least 4,143 persons killed and 5,826 wounded. From 1 January 2014 to 31 December 2016, UNAMI/OHCHR recorded at least 77,044 civilian casualties (26,675 killed and 50,369 wounded) as a result of the armed conflict, terrorism and violence in Iraq.¹

Baghdad was the worst affected governorate during the second half of 2016, with a minimum of 5,874 civilian casualties (1,562 killed and 4,312 wounded). Ninewa followed with 2,136 civilian casualties (1,287 killed and 849 wounded), while Anbar recorded the third highest rate of civilian casualties with 871 (717 killed and 154 wounded).

Child Casualties

Armed conflict and violence continued to impact the lives of children. Incidents were tracked through the Monitoring and Reporting Mechanisms, established pursuant to Security Council Resolution 1612. According to the Country Task Force on Children and Armed Conflict, 213 incidents of grave violations affecting 1,084 children were recorded. Of those, 149 incidents were verified, affecting 209 children. In these incidents, 194 children were reportedly killed (76 verified) while another 105 were injured (59 verified). Most child casualties were either in Ninewa, as a result of active hostilities, or in Baghdad, due to attacks predominantly employing explosive devices in civilian

¹ UNAMI/OHCHR was not able to obtain civilian casualty figures for Anbar Governorate for October and November 2015, and May, July, August and December 2016 due to armed conflict and lack of access to sources.

areas. There were reports of 81 boys being recruited and used by parties to the conflict, with 70 of these reports being verified. This includes the use of children as suicide-bombers by ISIL, as well as a small number of children allegedly recruited by groups reportedly operating under the umbrella of PMF in the fight against ISIL.

2.2 Internally Displaced Persons (IDPS)

As at 31 December 2016 there were 3 million Iraqis who were displaced as result of the violence – and ensuring their basic humanitarian needs has proved, and continues to prove, challenging with resources stretched to breaking point and host communities suffering considerable strain.

A new wave of displacement was triggered by military operations which commenced on 17 October 2016 to retake Mosul from ISIL. According to data provided by the International Organization for Migration, since the beginning of the Mosul operations on 16 October 2016, the cumulative number of IDPs reached 121,158 individuals.² Of these, 161,730 individuals are still in displacement.³ There were concerns that on-going military operations by ISF and armed groups operating in support of the ISF to liberate western Mosul from ISIL might result in an additional 750,000 and 800,000 civilians inside western Mosul city requiring humanitarian assistance.

While some IDPs have returned to their places of origin, there continue to be many obstacles to ensuring the safe and dignified return of IDPs in full compliance with international human rights and humanitarian standards.

When withdrawing from certain areas, ISIL left IEDs and booby-traps in private houses and public infrastructure aimed at killing civilians on their return or government and security personnel charged with ensuring restoration of basic services and security. Infestation of mines left in the cities of Ramadi, Fallujah and retaken parts of Mosul continued to put returnees in danger and hinder safe returns. For example, in **Salah al-Din**, on 26 July, in Jazeera Shirqat area, as an IDP family attempted to flee ISIL-held Shirqat and reach security forces in Tolol al-Baj area, an IED detonated killing five civilians, namely, one woman and her four female children. On 27 July, shelling hit al-Salam IDP camp in southern **Baghdad**, wounding four children. Most IDPs in the camp were from the Sunni community. The same camp was previously shelled on 5 July, reportedly killing four civilians and wounding 12 others. In **Anbar**, on 7 November, a civilian returnee in central Ramadi had his hand blown off when an IED exploded as he removed rubble from the garden by his house. On 11 November, a returnee child, on his way to school, was killed when an IED exploded in Fallujah. On 25 November, in **Kirkuk**, near Sayed Khalaf village, south west of Kirkuk, an IED detonated, wounding four civilians, as families fled towards Peshmerga positions and away from ISIL held Hawija.

Owing to the fact that ISIL had deliberately based itself in civilian infrastructure or destroyed it prior to its withdrawal, or such infrastructure suffered significant damage in the fighting to retake these areas, in many places civilians who remained or returning IDPs found access to basic services, such as water, electricity, and healthcare severely impaired or non-existent.

There were a number of reports that IDPs faced hostility from local Government authorities, including threats of forced eviction, and at times destruction of property, harassment, threats, abductions, and killings at the hands of armed groups operating in those areas. Similarly, there were reports that IDPs attempting to return to their places of origin and civilians who remained in areas that were retaken by ISF and armed groups operating in support of the ISF, faced similar violations.

² <<http://iraqdtm.iom.int/EmergencyTracking.aspx>> accessed 14 March 2017.

³ <<http://iraqdtm.iom.int/>> accessed 27 February 2017.

In **Babil Governorate** between 15 and 28 July, the return of Sunni IDPs to Jurf al-Sakhar sub-district was hindered by militias and IEDs planted by ISIL from the time when they controlled the area. Sunni IDPs accused authorities of attempting demographic changes in the Sunni majority area by preventing IDPs from returning during the more than two years since Jurf al-Sakhar was retaken from ISIL.

From June 2016 onwards, provisional councils and local government authorities in Anbar, Babil, Salah Al-Din and other Governorates announced that family members of suspected ISIL fighters or sympathisers would not be permitted to return to their homes. On 26 July Babil Provincial Council reportedly announced a policy of demolition of homes of persons convicted of being ISIL members and expelling their family members. On 30 August 2016, Salah al-Din Provincial Council issued an order expelling the families of alleged ISIL members for a period of 10 years and preventing those outside the Governorate from returning.

In July 2016, a conference in Baghdad attended by the Speaker of the Iraqi Parliament, representatives of Anbar tribes, and the then Governor of Anbar, endorsed a document known as the 'Covenant of the People of Anbar' ("the Anbar Covenant"). While its stated objective was to restore stability and coherence among the inhabitants of Anbar, the document purports to 'authorize' collective punishment by giving its tacit endorsement to the application of tribal rules for the purposes of revenge. On 23 August UNAMI/OHCHR, UNDP and UNHCR conducted advocacy with Anbar authorities highlighting concerns with the Anbar Covenant including: the risk of collective punishment, lack of clarity regarding the legal framework applied (domestic law, tribal law), and the absence of any mention of international human rights standards. Authorities offered to review the Anbar Covenant and share the results. According to information received by UNAMI/OHCHR at the end of 2016, the Anbar Covenant had not been revised.

On 7 and 8 August 2016, in **Salah al-Din Governorate**, Samarra Operation Command drove around Samarra, Dujail, and Balad districts and the sub-districts of Dhuluya, Yathrib and Ishaqi, announcing via loudspeakers that residents were forbidden, on threat of expulsion, from receiving IDPs from areas in northern Salah al-Din and southern Mosul. Residents were ordered to report the entry of IDPs from their areas to security forces. On 10 August, police in Dhulu'ya sub-district, Balad district, started evicting families accused of being affiliated with ISIL. According to sources, on 11 August 2016, Police gave at least 50 families (most originally from Yathrib) 24 hours to leave Dhuluyia. On 12 August, they were forcibly expelled, reportedly for seven years, and prohibited from renting out their houses in the interim.

In advocacy letters to the Government of Iraq and authorities in Salah al-Din and Babil, UNAMI/OHCHR emphasized that the decisions of the Provincial Councils contravene the Constitution of Iraq and international human rights and humanitarian law binding on Iraq, which prohibit forced eviction and collective punishment. UNAMI/OHCHR also noted that these decisions undermine national reconciliation and social cohesion in those Provinces, target and collectively punish individuals and communities, detrimentally impact on innocent women and children by depriving them of basic necessities, including adequate housing, food, access to health services and education, and would also intensify inequality and social conflict.

Despite this advocacy, forced evictions and related violations against the rights of IDPs continued to be reported from several governorates, including Anbar.

On 24 October, in **Anbar Governorate**, according to information obtained by UNAMI/OHCHR, tribal fighters prevented two returnee families from entering Garmah district due to alleged affiliation with ISIL. Also in late October, according to information obtained by UNAMI/OHCHR, houses in Ramadi, Fallujah, Heet and other areas of return within Anbar were marked for eviction on

accusation of affiliation to ISIL. Families, whose houses were marked, had very limited options to refute the allegations in a tribal community where the easiest and quickest act of revenge is to accuse people of affiliation to ISIL. The relocation of many police, ISF and PMF units towards Mosul worsened the situation in returns area, where tribal fighters are currently the major players. It is estimated that hundreds of families were evicted. On 13 November, UNAMI/OHCHR received reports that in Albu Alwan area of Ramadi district, a large number of returnee families from Albu Alwan tribe were forcibly evicted from their houses - by members of the same tribe - for alleged affiliation with ISIL. Houses were demolished immediately after families were evicted. ISF were present throughout the process but rather than restore order they advised the tribes to stop house demolitions and allow returnees whose houses were destroyed by ISIL to use them. Also in November, authorities in Heet district reportedly published two lists, totaling 35 families, with similar accusations. Families were reportedly given a deadline of seven days to leave before demolition of their homes, with threats to kill those who refuse to leave.

Meanwhile in **Kirkuk Governorate** in mid-September, mass arrests of IDPs were conducted by security forces in Kirkuk city, who frequently cited lack of legal residency documents and/or suspicion of involvement in terrorism. *Asayish* reportedly confiscated identification of IDPs then immediately forced IDPs to sign a pledge to depart Kirkuk Governorate within one week. On 22 September, IDPs continued to receive eviction notifications from *Asayish*, even after authorities in Kirkuk announced the postponement of forced returns. On 9 October, armed Kirkuk authorities (including Peshmerga, *Asayish*, and Police) surrounded Qara Tapa village of Kirkuk Governorate and forcefully evicted between 3,000 and 4,000 Kirkuk residents. No prior notification was given and no written order shown. The families reportedly had only two to three hours to leave. Houses were reportedly burnt and destroyed. Documentation of drivers of private trucks was confiscated, forcing them to transport residents of Qara Tapa, along with some of their belongings, to Daquq IDP Camp.

On 21 October, in Qutan Village in Pajwan sub-district of Kirkuk district, Peshmerga forces started evicting residents saying that the village would be targeted by airstrikes. Peshmerga reportedly physically and verbally assaulted some residents and stole some vehicles and other property belonging to villagers. After detaining in a mosque all the adult males of the village, except for ten elderly men,, Peshmerga handed these men to *Asayish* forces who took them to Dibis. *Asayish* informed their families to bring local guarantors (sponsors) to Dibis in order to secure the release of family members. When guarantors were provided, *Asayish* forces detained them as well. On 23 October, KDP *Asayish* forces then transported the detained residents of Qutan village to Laylan camp and completely or partially demolished all the houses in Qutan village, except for six belonging to Turkmen families.

On 23 October, KDP security forces entered Qush Qaya Village, in Pajwan sub-district, Dibis district, west of Kirkuk, removed the main power transformer and cut the main electricity wires. On 24 October, they evicted approximately 30 families and moved them to Daquq IDP camp, south of Kirkuk. On 25 October, Kurdish Security Forces demolished houses built illegally by IDPs on government properties in Kirkuk in Wahed Huzayran quarter, south of Kirkuk city.

On 21 July UNAMI/OHCHR received a reported that Sunni Arab families stuck between Peshmerga and ISIL frontlines since mid-November 2015, east of Sinjar in **Ninewa Governorate**, had finally been permitted by Peshmerga to enter the KR-I on 11 July. Four hundred and seventy-five (475) women and children were reportedly allowed access, while 175 men, women and children reportedly remained in the area as they were not allowed to bring their vehicles and flocks into the KR-I.

At the start of the Mosul operation in mid-October, an agreement was reached between tribal leaders in **Ninewa Governorate**. According to the agreement, the tribes of the Governorate

dissociated themselves from ISIL, with tribal leaders committing to hand over suspects to the State courts. They also agreed that ISIL elements would not be permitted to return to their places of origin. UNAMI/OHCHR expressed concerns that, such acts amount to collective punishment and urged the Government of Iraq to take action to prevent such acts from taking place and to ensure the protection of persons whose relatives may be suspected of supporting ISIL.

During the week from 21-27 October, sixty Sunni Arab families attempting to return to retaken Misqat village in the north-west of Tilkeif District, were reportedly prevented by Peshmerga from returning home. The families returned to their places of displacement with their vehicles and livestock. According to sources, the families were told that they could only access their village without their livestock, a condition the families rejected.

2.3 Violations of IHL and Human rights abuses committed by ISIL

ISIL targeting of civilians

ISIL perpetrated attacks resulting in mass casualties of civilians in **Baghdad Governorate**. For instance, on 3 July, an attack in Karrada (central Baghdad) by an individual driving a vehicle laden with explosives killed 292 individuals (155 bodies were reportedly burnt) and wounded 200 others. ISIL reportedly claimed responsibility for the attack online.

Similar attacks were conducted in other governorates.

In **Salah al-Din Governorate**, on 6 November, an attack by an individual driving a vehicle laden with explosives, targeting the ISF-manned al-Anwa'a Checkpoint, southern Tikrit district, killed 13 civilians (including six women) and two Police officers, and wounded 30 civilians (including 12 women) and three Police officers. ISIL claimed responsibility for the attack online. On 12 November, ISIL shelled Khanoga village, in Shirqat, killing three children and one woman, and wounding four civilians (including one woman and one child).

In another high-profile attack targeting civilians, in **Karbala Governorate**, on 28 August, five individuals wearing explosive vests entered a wedding in Hay al-Hussein neighborhood in Ain al-Tamr village, west of Karbala city. One assailant threw hand grenades at wedding participants, fired gunshots from a Kalashnikov rifle, and blew himself up. The other four were killed by ISF. At least 17 civilians were killed and at least 25 others wounded. ISIL claimed responsibility for the attack.

In **Babil Governorate**, on 24 November, at a petrol station in Shomali, south of Hilla, a truck rigged with explosives detonated, killing at least 56 civilians and wounding at least 21 others. An official source reported 74 persons killed and 24 more wounded. Victims included dozens of local and foreign Shi'a pilgrims returning from Arbaeen commemorations in Karbala. ISIL claimed responsibility for the attack online. The Special Representative of the United Nations Secretary-General (SRSG) for Iraq, Ján Kubiš, condemned the attack in a public statement issued on 24 November.⁴

On 14 November, two attacks by individuals driving vehicles laden with explosives targeted ISF checkpoints in al-Risala and Nazal areas of central Fallujah in **Anbar Governorate**. The attacks occurred within half an hour of each other. According to sources, at least seven people were killed and at least 13 others wounded. ISIL claimed responsibility for the attacks online. On 6 August, ISIL

⁴ <http://www.uniraq.org/index.php?option=com_k2&view=item&id=6403:srsg-condemns-hilla-terrorist-bombing-targeting-civilians-suchcowardly-attacks-by-daesh-will-not-stop-iraqi-drive-to-liberate-its-territory-from-the-terrorists&Itemid=605&lang=en> accessed 26 February 2017).

killed in public five taxi drivers in al-Qaim, western Anbar. The taxi drivers were allegedly accused of assisting people leave ISIL-held al-Qaim to government controlled areas.

In the **Ninewa Governorate**, ISIL inflicted heavy civilian casualties during the armed conflict in Mosul. In early November in areas of Mosul under ISIL control, ISIL announced through loud speakers that residents of areas retaken by ISF were “legitimate targets” because they were not fighting against ISF. This ‘fatwa’ was accompanied by a sustained campaign of ISIL attacks on eastern Mosul that directly targeted civilians. Tactics included shelling, sniper-fire, and dropping IEDs from drones in retaken neighbourhoods in eastern Mosul. As a result, heavy civilian casualties were reported from various parts of Mosul during November and December.

UNAMI/OHCHR documented numerous incidents in which shelling by ISIL caused civilian casualties. On 16 December, ISIL shelling killed three males (relatives) in a house in the recently retaken al-Nour neighborhood in eastern Mosul. On 30 December, ISIL shelling killed 16 civilians, including two children and five women, and wounded 50 others, including 17 children and five women, in the newly retaken neighbourhood of al-Karama and al-Quds in eastern Mosul. On 31 December, 85 civilians were wounded, including 49 children, as a result of shelling and shooting by ISIL into the newly retaken neighbourhoods of Adan, al-Jamaiah, al-Qudas, Baker, Bareed, Qahirah, Muharbien, Mushraq, Rabajiah, Samah, Tahrir, Zahraa, and Zuhour in eastern Mosul.

Many civilians were also killed and wounded by ISIL snipers. For example, on 22 November 2016, an ISIL sniper shot a doctor in the al-Qadisiya al-Oula neighborhood of eastern Mosul. The doctor died on the way to Erbil hospital. On 22 November 2016, an ISIL sniper killed a seven-year-old child and wounded his brother as they ran towards ISF positions in Adan neighborhood of eastern Mosul. On 23 November, an ISIL sniper killed a doctor working with mobile clinics in Adan neighborhood.

Civilians were also killed and wounded by landmines planted by ISIL. For example, on 13 December, the detonation of a landmine planted by ISIL killed eight civilians, including three women, and wounded 25 others, including eight women. The victims were fleeing Tamim neighborhood in Mosul.

ISIL exploited civilians as shields for its fighters or to protect its bases of strategic locations. For example, on 3 December, ISIL forcibly entered civilians’ houses in al-Kafaat and al-Akhaa neighborhoods of eastern Mosul and engaged ISF by firing mortar rounds from the rooftops. The occupants were forced to stay in their houses. An unattributed mortar shell reportedly hit a house in al-Kafaat neighborhood, wounding two children.

ISIL intentionally killed and wounded civilians in car bombing attacks in eastern Mosul. Following the ISIL announcement that residents in ISF retaken areas were “legitimate targets”, ISIL conducted intentional attacks on civilians. For example, on 28 November, an ISIL truck laden with explosives detonated at the gate of an elderly persons’ home in Zuhour area of eastern Mosul, targeting ISF but also killing 11 civilians, (including four women and two children), and wounding 15 others (including six women and three children).

ISIL also attacked civilians in retaken areas of Mosul with explosives dropped from drones. On 26 December, six civilians—two women, two men and two children—were reportedly wounded by the detonation of explosive devices allegedly dropped by ISIL from drones in Tamim neighbourhood of Mosul City. On 28 December, six civilians—five men and one child—were wounded in the same manner in al-Hay al-Khadraa neighbourhood of Mosul. On 31 December, ISIL drones bombarded Bareed neighborhood of eastern Mosul, wounding a 14-year-old child.

There were several reports alleging that ISIL had used crude weaponized chemical agents during attacks in and around Mosul. UNAMI/OHCHR was not able to verify the actual use of such agents and the reports have not been officially substantiated. However, the consistency of the reports and

the symptoms reported strongly suggest that a chemical agent of some kind may have been used by ISIL. The most serious incidents reportedly occurred in Mosul district. On 22 July, ISIL mortar attacks on Sahil al-Malih area in Ayathiya sub-district of Telafar, reportedly resulted in three Peshmerga suffering breathing difficulties, sore eyes, and in one case, skin burns. UNAMI/OHCHR could not confirm these incidents nor the use of chemical agents by ISIL. In the early morning of 22 or 23 August, ISIL attacked Awsaja village in al-Qayyarah sub-district of Mosul with mortars. Reportedly, as a result of the attack, 20 residents suffered breathing difficulties. No casualties were reported.

In **Anbar**, UNAMI/OHCHR received information that in late October, in Ramadi district, barrels left by ISIL containing chlorine represented an ongoing threat to returnees. These barrels reportedly remained in many areas due to rushed clearing of explosive hazards by the Government authorities. On 26 October, in Albu Farraj area of Ramadi district, a barrel reportedly exploded causing breathing and respiratory difficulties for more than ten persons. All were transferred to a local hospital for treatment.

UNAMI/OHCHR could not independently verify the use of weaponised chemical agents.

ISIL targeting of persons opposed to its rule or *takfiri* doctrines

ISIL directly targeted people it perceived were opposed to their rule or *takfiri* doctrines, in particular religious and community leaders; education, medical, media and other professionals (particularly women professionals); members of minority ethnic and religious communities; LGBTI; and persons associated with the Government of Iraq. Such people were often subjected to ISIL's self-appointed courts and/or were subjected to brutal, inhuman treatment including murder, beatings, amputations, physical and sexual violence, etc.

ISIL carried out numerous killings in **Ninewa Governorate** some of which followed 'sentences' imposed by ISIL self-appointed courts. For example, on 5 September 2016, ISIL launched a search campaign in different areas in Mosul and abducted 43 civilians, including two women, for different reasons, such as having family members in the ISF or the Peshmerga forces, or in some cases for their disloyalty towards the "Caliphate" or planning to flee the city. They were taken to unknown destinations. Properties of the abductees were seized by ISIL. On 11 September, ISIL killed eight civilians by drowning them in a swimming pool in the Jawsaq military base in the Dawasa area of central Mosul. The victims were put into an iron cage which was then lowered into the swimming pool. The victims were killed allegedly for collaborating with the Iraqi Government and Peshmerga forces.

On 17 September, ISIL abducted a 72-year old man from his home for telling his neighbours that he had seen in a dream all 'the black flags' (i.e., ISIL flags) in Mosul falling. This was interpreted by ISIL to mean that its rule would soon come to an end. On 22 September, ISIL publicly shot and killed the old man in Dawasa area of central Mosul following a decision by the group's self-appointed court.

On 23 September, ISIL publicly shot and killed two mosque preachers in eastern Mosul for allegedly not complying with the organization's instructions to encourage young men to join the group and fight against ISF. On 12 October, five young men were publicly shot and killed by ISIL militants in the Halab Street of central Mosul following a decision of the group's self-appointed court. The victims were accused of leaking information on ISIL movements and locations of the group's compounds. On 12 October, a 58 year-old man was publicly beheaded by his son, an ISIL member, in the Dawasa area of central Mosul. The son allegedly accused his father of insulting ISIL leader Abu Bakr Al Baghdady and the group's self-appointed court ordered the execution. On 25 November, ISIL killed 27 civilians in northern Mosul city. The victims had been abducted one week before in several areas of eastern Mosul.

ISIL carried out abductions and mass-killings of former members of the armed forces and police in Mosul district. For example, on 19 October, ISIL killed 30 civilians in a former Iraqi Army shooting range at the University of Agriculture in Hamam al-Alil. On 20 October, ISIL killed an additional 10 civilians in the same location. The victims had been abducted, on 18 October, together with about 350 other civilians, from Lazaga (aka Upper Hud Village) and al-Hud villages in al-Qayyarah sub-district of Mosul and from Shura sub-district, also of Mosul. On 23 October, ISIL killed 50 former Iraqi Police Officers at the same location after abducting the victims in Lazaga and al-Hud villages and bringing them to Hamam al-Alil on the same day. On 20 October, in Sufeya village of Shoura sub-district of Mosul, ISIL abducted about 100 civilian men, including former Iraqi Army officers who had 'repented' previously to ISIL. On 29 October, 40 former ISF officers, abducted a week earlier by ISIL from al Shura sub-district of Mosul and surrounding villages of Hamam al-Alil centre, were shot dead in Hamam al-Alil City. On 29 November, ISIL shot and killed 13 civilian men next to the Mayor's Office in the center of Talafar city, for allegedly cooperating with the Iraqi Army and PMF. ISIL reportedly went around the city parading the victims and threatening residents that such would be the fate of any individuals who cooperate with ISF and PMFs.

In **Kirkuk Governorate**, on 30 July, ISIL members riding in four-wheel vehicles abducted 15 civilians from different villages of Hawija district and Abbasi sub-district (mainly from Jamiliya village), allegedly for cooperating with security forces and assisting civilians to flee from ISIL-held areas.

ISIL Abduction/forced transfer of the civilian population

UNAMI/OHCHR confirmed reports that ISIL carried out systematic mass abductions at the start of the Mosul Operation in areas under the group's control or while withdrawing from areas in the face of advancing ISF. ISIL forcibly moved thousands of civilians into conflict zones. Waves of abductions by ISIL targeted civilians—including former ISF members, their families and families whose members have joined pro-government forces— in south and east of Mosul.

During the first week of the Mosul Operation, UNAMI/OHCHR believes that at least 5,530 families were abducted by ISIL from Shura and al-Qayyarah sub-district of Mosul district, and Nimrud sub-district of Hamdaniya district. Initially, ISIL took the abducted families to Hamam al-Alil sub-district and separated men from women and children. Most of the abductees had to walk for days without food and water under extreme conditions. Some victims, including men, managed to hide before the separation process, including in underground tunnels that were built by ISIL for protection from air strikes. Civilians often reported that ISIL forced them onto convoys carrying clearly identifiable military equipment such as heavy-artillery. ISIL intentionally put the lives of civilians at great risk, with total disregard for their safety.

For example, on 17 October, ISIL abducted 22 men from al-Hood village in al-Qayyarah sub-district of Mosul. On 18 October, UNAMI/OHCHR received information that ISIL abducted ten families from al-Hood Village and transferred them to Zuweiya Village, in al-Qayyarah, reportedly with the aim of using them as human shields. ISIL were reportedly keeping residents inside villages next to their offices/military centers, to use them as human shields. Also on 17 October, ISIL forced 200 families including men, women and children, out of Samalia village on foot. On the same date in Naifa Village in Nimroud subdistrict of Mosul, ISIL brought large trucks and transferred 250 families including men, women and children to Mosul. On 17 October, in Maahed e Salamia Village of Nimroud, sub-district of Mosul, 150 families were forced to walk towards Mosul. On the same day, residents of Lazaga and Zuweiya villages, al-Ayyarah sub-district (50 km south of) Mosul, fought against ISIL killing three of the group's militants and burning one vehicle. In response, ISIL abducted eight young men from the village, shot them in the head and left them at the entrance to the village.

In the morning of 18 October, about 20,000 civilians – men, women and children – from Salamiya, Zibaniya, Sayid Hamad, al-Khirta and al-Jirf villages in Nimroud sub-district of Hamdaniya District, 25km southeast of Mosul city, were forcibly displaced by ISIL for welcoming the launch of military operations to retake Mosul. Also on 18 October, ISIL killed and abducted an unknown number of men in al-Sert village (also known as Hamdiya al Charkiya), al Qayyarah sub-district of Mosul. On 4 November, ISIL reportedly forcibly moved about 1, 500 families previously brought from Hamam al-Alil to Mosul airport. A source alleged that ISIL transported a vehicle with ammunition and weapons amongst civilians.

UNAMI/OHCHR interviewed dozens of witnesses who survived the mass abductions. They confirmed that ISIL did not hesitate to kill those who refused to obey their instructions, or who had difficulty in moving or keeping up with the group, including people with disabilities and elderly persons. Witnesses confirmed that on a number of occasions, ISIL shot at those who were slow in joining the exodus.

ISIL use of civilians as human shields

From 17 October, UNAMI/OHCHR began receiving reports that ISIL was forcibly transporting civilians from villages south of Mosul city to Mosul city as well as civilians within various locations in Mosul city and using them as human shields to protect their fighters, bases and strategic locations.

For example, on 18 October, ISIL abducted ten families from al-Hood Village and transferred them to Zuweiya Village, reportedly keeping them next to their offices/military centers, to use them as human shields. On 21 October, according to a source, ISIL brought six buses full of families from villages south of Mosul to an ISIL compound in al-Rimah palace located in al-Arabi neighbourhood of northern Mosul reportedly to use them as human shields. On 9 November, ISIL forcibly moved 42 families from their homes in the al-Faisaliya neighborhood, eastern Mosul, to the western side of the city. The families were put into houses containing stockpiled IEDs.

As ISF was advancing towards eastern Mosul city, during the night of 12 November, ISIL forcibly ordered the residents of the Muharibeen and Tahrir neighborhoods of eastern Mosul to leave their homes with only a few hours' notice and move to downtown Mosul city. Sources told UNAMI/OHCHR that ISIL told residents that those who would not comply with the order would have their female family members abducted to be used as human shields.

ISIL attacks on ethnic and religious communities

ISIL continues to deliberately target ethnic and religious communities based on their *takfiri* doctrines.

According to information provided to UNAMI/OHCHR as at 31 December 2016, some 3,535 Yezidi women, children and some men may remain in ISIL captivity or are missing, of whom there are approximately 1,739 women and children who remain enslaved by ISIL.⁵ UNAMI/OHCHR has grave concerns for the safety and well-being of those women, children and men who remain in ISIL captivity. According to sources, ISIL has relocated a number of Yezidis from Mosul to Raqqah in Syria. Such accounts corroborate reports received by UNAMI/OHCHR of trafficking by ISIL, including the sale, trade and transfer of women and children and the devastating exploitation of enslaved women as human shields. On 4 November, in **Ninewa**, sources reported to UNAMI/OHCHR that ISIL had brought an unspecified number of Yezidi women to Talafar town and placed them in a school. ISIL

⁵ A declaration made at the end of December 2016 by the General-Director of Yezidi Affairs at the Ministry of Religious Affairs and Endowment in Kurdistan Region, stated that 3535 Yezidis are still missing. It is estimated that 1,739 women and girls remain enslaved by ISIL in territories under its control in both Iraq and Syria. The Head of Yezidy endowment Mr. Shirwan Ismael put the figure at 3658, as of 27 December 2016. The figures are from the endowment's database.

then sold some of the women to its militants. UNAMI/OHCHR also received a report that between 27 October and the beginning of November, ISIL took between 64 and 70 Yezidi women from Ayadiyah sub-district of Talafar, Muhalabiya sub-district of Mosul and Qayrawan sub-district of Sinjar district to 17 Tamouz area in Mosul City.

On 2 September, in **Salah al-Din**, a vehicle laded with explosives directly targeted the predominantly Shi'a Turkmen village of Shah Saiwan, northwest of Tuz Khurmatu district. A gunman then started shooting at civilians before detonating his explosive belt. Five civilians and two PMF members were killed and nine civilians (including women and children) were wounded. ISIL claimed responsibility for the attack online.

On 6 November, an attack by an individual driving an ambulance laden with explosives and another individual wearing an explosive vest, targeting visitors at the shrine of Imamain al-Askariyyain in Samarra district, reportedly killing 14 civilians, including four Iranians, and wounding 36 other civilians, including 10 Iranians

ISIL Attacks on places of religious and cultural significance

ISIL continued to destroy and loot places of cultural significance that it views are contrary to its *takfiri* doctrines. In **Ninewa**, local media reported that on 9 October, ISIL used explosives to destroy an Assyrian church called Barbara Fouq Attal in Karmlis town near Mosul city. From 12 November until a date unknown, ISIL used Ziad mosque (Shi'a) in the Zahra' neighborhood of eastern Mosul as a military operations center. Civilians who survived mass abductions by ISIL also informed UNAMI/OHCHR that a number of other mosques had been used for similar purposes, including in Hamam al-Alil sub-district prior to its liberation.

ISIL Intentional destruction and damage to public property

Between 19 and 20 October, UNAMI/OHCHR received reports of ISIL engaging in a campaign of destruction of public buildings in and around Mosul city in areas under ISIL control. Some of these buildings, including the Mosul Railway Station which ISIL blew up on 22 October, reflected the social, historical and cultural heritage of Mosul city.

On 19 October, ISIL used explosives to destroy the Municipal Building in Baath neighborhood of central Mosul. ISIL also destroyed the Passport Building in Mosul city on the same day. On 21 October, ISIL demolished a building of the General Directorate of Education in al-Nasir neighborhood of eastern Mosul.

ISIL forced recruitment and use of children in hostilities

ISIL continues to forcibly abduct children, particularly from ethnic and religious communities it views are not in accordance with its *takfiri* doctrines, to indoctrinate them and to exploit them as fighters and suicide bombers, but also to commit a range of other crimes.

For example, in **Ninewa**, on 24 October, near Mosul dam, four ISIL-fighters carrying explosives approached a military checkpoint. The suicide-bombers, including two aged about 16, were killed before they were able to detonate their devices.

On 21 August 2016, in **Kirkuk**, a boy aged about 15, suspecting of being ISIL, was arrested at night by security forces in Huzairan area before he had a chance to detonate his explosives belt.

In different ISIL videos broadcast online during the reporting period, at least seven Iraqi and foreign boys, some looking as young as 10, were shown carrying out the murders of adult prisoners.

ISIL targeting of civilians attempting to flee areas of ISIL control

UNAMI/OHCHR received reports that ISIL targeted civilians attempting to flee from their areas of control, especially in Kirkuk and Ninewa Governorates.

In **Kirkuk**, on 3 July, an IED detonated near Tal al-Ward village in ISIL-controlled areas southwest of Kirkuk, wounding three male civilians. The IED was placed on the route of civilians fleeing from Hawija towards Kirkuk City. On 24 July, an IED detonated near ISIL-held Abu-Mohamed village in Rashad sub-district, killing one civilian (male) and wounding five others (two women and three children) as they attempted to flee towards Daquq. On 29 July, near Tal Al-ward village in al-Multaqa sub-district, southwest of Kirkuk, an IED exploded killing three children (two females and one male) and wounding three women and one child who were attempting to flee ISIL-held Hawija district.

In **Ninewa**, on 18 September, ISIL allegedly shot dead six men in al-Hood village, al-Qayyarah sub-district of Mosul who were reportedly caught with their families fleeing al-Hood village for al-Qayyarah city. On 18 December, ISIL publicly killed by shooting four civilians, including a woman, in the Bab al-Toob neighborhood of central Mosul. The victims were captured on 17 December while fleeing towards ISF posts in Tameem neighborhood of eastern Mosul.

In **Salah al-Din**, on 16 July, ISIL reportedly shot at residents from Shirqat district while they were attempting to flee toward ISF on the border of the district. One civilian was killed and another wounded in the incident. On 26 July, an explosive device detonated near IDP family trying to flee from Shirqat towards security forces in Tolol al-Baj area. The incident resulted killing of five civilians (one woman and her four female children).

ISIL Intentional targeting works and installations containing dangerous forces

Following the launch of military operations to retake Mosul on 17 October, ISIL attempted to slow down the advance of ISF and Peshmerga Forces by attacking works and installations containing potentially dangerous forces. For example, on 19 and 20 October, ISIL burned tyres and set fire to crude oil in trenches they had dug ahead of the military operations, releasing harmful toxins into the atmosphere. By 28 October, as ISIL fled al-Qayyarah sub-district on the approach of the ISF, ISIL deliberately set fire to a number of oil wells. Emission affected the health of residents, sheep reportedly became sick forcing their owners to slaughter them, and efforts to extinguish the burning wells were reportedly hindered by constant ISIL shelling.

ISIL also deliberately shelled and set fire to facilities containing toxic substances resulting in toxic plumes which killed and wounded civilians and military personnel. On 20 October, ISIL set fire to sulfur in fields and factories in al-Mishraq village, in Shura sub-district, located 25 km from al-Qayyarah, and 45 km from Mosul. Sulfur is an odorless chemical that is dangerous to health if inhaled. Al-Mishraq is surrounded by dozens of villages that are home to some 56,000 inhabitants. Thousands of civilians in surrounding areas complained of breathing difficulties and symptoms of asphyxia. At least 205 affected civilians were transferred to Makhmour and Salah Din Hospitals which issued urgent appeals for masks and oxygen bottles. On 21 October officials and locals of al-Mishraq of southern Mosul reported that an ISIL rocket struck the Sulfur Gas Factory and Field leading to gas escaping towards dozens of surrounding villages. WHO and Ninewa Directorate of Health treated 1000 patients (at Qayarra, Ijhala, and Makhmour) who had reportedly been affected by sulfur fumes from al-Mishraq Sulfur factory by 23 October. This followed urgent requests for masks and oxygen bottles.⁶ By 23 October, four people (two civilians and two Iraqi Army personnel) had died reportedly after inhaling fumes from the burning sulfur. On 26 October, a two-month old boy also reportedly died from asphyxia as a result of emissions from the sulfur factory.

⁶ WHO, Press Statement, "WHO and Ministry of Health accelerate medical intervention to manage over 1000 cases of suffocation in Qayarra, Ijhala, Haj Ali, and Makhmour" <<http://www.emro.who.int/irq/iraq-news/who-and-ministry-of-health-manage-over-1000-cases-of-suffocation.html>> accessed 24 February 2017.

2.4 Violations by ISF and forces operating in support of the ISF

In conducting operations to retake areas from ISIL, there were concerns about the effectiveness of command and control exercised by the Government over armed groups operating in support of the ISF, particularly in relation to the conduct of the Popular Mobilization Forces (PMF) and other armed groups, including ethnic based armed groups. There were a number of cases, verified by the Monitoring and Reporting Mechanisms established under Security Council resolution 1612, that armed groups operating in support of the ISF had recruited children.⁷

UNAMI/OHCHR also verified a number of reports of civilians (usually males aged 15 years and above) being intercepted by these armed groups, which subject them to physical violence and other forms of ill-treatment and abuse, abductions, and at times killings. There are also reports of IDPs, including those returning to their places of origins, and civilians who remained in areas retaken from ISIL, being subjected to threats and intimidation, destruction of property, abductions and killings by these armed groups.

Unlawful killings, arbitrary arrest and detention, and other violations of human rights

In the **north of Iraq**, UNAMI/OHCHR received reports that the members of the Iraqi Federal Police (IFP) killed six men after capturing them in Shura sub-district of Mosul around 21 October. UNAMI/OHCHR could not confirm the circumstances of the killings and whether those killed were civilians or ISIL fighters who were killed in fighting or had had been detained and subsequently killed after being captured. UNAMI/OHCHR also received information that IFP killed five civilians including three children in Na'naa' village on the 21 October. While some sources said that they were killed 'execution-style', others claimed that the victims were killed in cross-fire as they had stayed in the village after all the other residents had vacated. UNAMI/OHCHR has been unable to determine the circumstances of the incident.

On 11 November, ISF shot and killed a woman in Gogjali neighborhood of eastern Mosul. The woman was reportedly fleeing the neighbourhood when fighting erupted between ISF and ISIL in the area. UNAMI/OHCHR could not determine the circumstances of the killing. On 14 November 2016 the ISF stated that one of its snipers had mistakenly killed a civilian in the Muharibeen neighborhood, east of Mosul.

In **Salah al-Din Governorate**, on 22 September, two individuals alleged to be ISIL, were killed by members of Sunni Mobilisation Forces (SMF), who tied them to vehicles and dragged them around Etha village, northern Shirqat district. On 23 September, in Shukran village in Shirqat district, SMF members killed in the same way an individual alleged to be an ISIL member. On 26 September, SMF shot death two individuals alleged to be ISIL members near a school in Jumela village in Shirqat district: reportedly one was of Saudi nationality, the other was from Jumela village. On 30 September, members of the Shirqat Mobilization Force ('SMF', associated with the PMF), captured a 20-year old male alleged to be an ISIL member in Etha village in western Shirqat district, north of Tikrit. After being disarmed, his hands were tied behind his back. He was then forced to stand while an unknown number of SMF members standing 20 meters away shot and killed him. On 10

⁷ See *Annual Report of the Secretary-General on children and armed conflict (A/70/836-S/2016/360)* issued on 20 April 2016, para. 59: "Of the cases, ... 12 [were attributed] to groups under the umbrella of the PMFs. Cases of child recruitment by the PMFs, which since April 2015 have been under the authority of the Prime Minister, included the coercion of eight boys to go to a military training camp and the recruitment of four boys who were killed while fighting ISIL in Bayji, Salah al-Din governorate." Available online <https://childrenandarmedconflict.un.org/wp-content/uploads/2015/10/15-18739_Childrenin-Conflict_FINAL-WEB.pdf>

December, gunmen wearing military uniforms (identified as belonging to the PMF) set up a fake checkpoint on the main road between Wajihia sub-district of Muqdadiya district and Baquba district, stopped a minibus and abducted two male university students from the Sunni Arab community who were travelling on the bus (the other passengers were reportedly all Shi'a). The area in which the incident occurred is under the control of ISF and PMFs.

On 18 July, in **Diyala**, gunmen, alleged by witnesses to be Shi'a militia, using a civilian car shot and killed one civilian near his home in eastern Kan'an sub-district, in Baquba district. The victim was an employee of a health clinic in Kan'an, who was also a civil society activist from the Sunni Arab community. Also in Diyala on 31 July, gunmen – alleged by sources to have been Shi'a militia members—riding in a civilian car shot and killed one civilian in Jurf al-Milh area, northeast of Baquba. The victim was reportedly a leader of the Khazraj tribe from Sunni Arab community. On 13 August, PMF members conducted a raid in villages of Zaghniya Kabira and Zaghniya Saghira, in Abbara sub-district, northeast of Baquba, abducting at least four residents reportedly from the Sunni community. The bodies of two of the abductees with gunshot marks were found in a nearby farm.

It was reported to UNAMI/OHCHR that on 22 September in **Anbar Governorate**, 12 persons from among the recent returnees in Karma, Fallujah district, in Anbar, were arrested by PMFs. Their whereabouts are unknown. On 19 November, ISF and PMFs from Karbala Governorate arrested 14 civilians in al-Rahaliya area of al-Nukhayb district. They returned the following day and arrested six other civilians. Those arrested were reportedly taken to Karbala. Around two hundred families left al-Rahaliya for other areas of Anbar, including Ramadi, Amiriyat al-Fallujah and al-Fallujah city, from fear of the ISF/PMFs. OHCHR could not determine the exact number of people arrested/taken away in al-Rahaliya nor the exact identity of which armed force or associated group was responsible for the operation.

Also on 19 November, it was reported to UNAMI/OHCHR that an ISIL attack upon Imam Gharbi village in al-Qayyarah sub-district of Mosul, launched when 200 ISIL elements crossed the Tigris River from Kan'us village, resulted in casualties among Iraqi forces and triggered reprisals with 11 houses being destroyed and at least 40 arrests. In late December, further acts of revenge and collective punishments such as destruction of houses, evictions and expulsions, were reported in Fallujah.

On 4 September, in the al-Jubaila area in the centre of **Basra**, a group of civilians travelling in a car were stopped by a PMF member travelling in a pick-up. The PMF member shot at the ground and threatened them. At least two policemen were reportedly present nearby, but did not react.

[Destruction of private property and attacks targeting places of religious significance](#)

In **Ninewa Governorate** reports were received by UNAMI/OHCHR that forces associated with the ISF, particularly ethnic based contingents, in retaken areas targeted civilians for harassment, and on some occasions, expulsions, as well as deliberate destruction of property (movable and immovable).

On 8 November, some residents of Hamam al-Alil City and of Salhiya Village, Hamam al-Alil sub-district of Mosul, set on fire 18 houses belonging to individuals associated with ISIL. The owners of the houses reportedly fled Hamam al-Alil with ISIL when ISF approached their areas. The residents also reportedly expelled eight families alleged to have been affiliated with ISIL in Hamam al-Alil City. The whereabouts of the families are unknown.

On 1 October, in **Salah al-Din**, according to a source, after reclaiming Shirqat District, SMF, specifically the Shirqat Mobilization, together with PMFs burnt or blew up about 52 residential houses in different villages of Shirqat district north of Tikrit: approximately 30 houses in Etha village; 10 houses in Khudhraniya village; 10 houses in Jumela village; and two houses in Shukran village. The houses allegedly belong to well-known ISIL members.

Shelling and Airstrikes

UNAMI/OHCHR received a number of reports alleging civilian casualties directly resulting from shelling and airstrikes – although reports concerning the latter, including the number of casualties, their status (ISIL fighters or civilians, etc.) and who may have been responsible for these airstrikes, remain largely unverified owing to limitations on access to the sites or to credible sources.

On 20 September, in **Ninewa**, airstrikes hit neighborhoods in Mosul – al-Nabi Sheet, al-Hadba', al-Faysaliya, al-Ghabat, al-Arabi and al-Baith – allegedly killing 11 civilians (including two children and two women) and wounding 36 other civilians. The airstrikes reportedly targeted ISIL compounds in the various neighborhoods.

On 5 November, airstrikes hit two houses in Hamam al-Alil sub-district of Mosul, resulting in the houses collapsing. Twenty-three civilians, including children, were reportedly trapped when the houses collapsed. In the evening of the same day, two children, one seriously wounded, and an elderly woman were rescued and taken to hospital. In the morning of 6 November, two female children and three bodies were reported to have been retrieved from the rubble. On 7 November, eight bodies (husband, wife, three children, mother of the husband and husband's two sisters) and seven wounded civilians—three children, two men and two women—were taken out from the rubble. ISIL was reportedly launching mortars towards ISF positions from behind the houses. Attempts to rescue survivors and to retrieve bodies of those killed were reportedly hindered by ISIL sniper fire.

On 10 November, an airstrike reportedly hit Hamam al-Alil sub-district of Mosul. Six members of one family (a married couple with four children) were reported to have been killed and two other family members (a girl and a woman) were wounded. The family had been forcibly relocated by ISIL from Safina village, al-Qayyarah sub-district of Mosul district, on the same date.

On 25 December, an airstrike is reported to have hit al-Sina'a market in Ba'aj district, west of Mosul. The airstrike allegedly killed 24 civilians, including three children and nine women, and wounded 51 civilians, including 17 women and eight children.

On 29 December, an airstrike, reportedly targeting a vehicle transporting ISIL militants, hit the parking area of Ibn al-Atheer hospital in Majmoua al-Thaqafiya neighborhood of northeastern Mosul, allegedly killing seven civilians and wounding 14 others. According to sources, ISIL took over al-Salam hospital of southeastern Mosul on 5 December, evacuated the civilian patients from Ibn al-Atheer hospital and reserved the hospital for treatment of its militants. ISIL posted a video online purportedly showing the effects of the airstrike. UNAMI/OHCHR could not verify the authenticity of the video. In a news release, the Combined Joint Task Force Operation Inherent Resolve stated that on 29 December a Coalition airstrike "(...) struck a van carrying ISIL fighters observed firing a SPG9/RPG recoilless rifle before loading the weapon in the van and driving off. The van was struck in what was later determined to be a hospital compound parking lot resulting in possible civilian casualties."⁸

On 30 December 2016, airstrikes targeted Khalid Ben Waleed Mosque in Wadi Hajer neighborhood in Mosul city. Some online media alleged a large number of civilians were killed, but sources on the ground informed UNAMI/OHCHR that the mosque was occupied by ISIL fighters and was being used as a base. UNAMI/OHCHR was unable to verify the numbers of people killed or wounded in the strike or their status.

⁸ <<http://www.inherentresolve.mil/News/Article/1039759/coalition-strike-results-in-possible-civilian-casualties/>> accessed 1 January 2017.

On 22 October, Iraqi Army shelling allegedly killed 30 civilians, including women and children, in Sada and Ba'weeza Village, 2km south of Tilkef city, Tilkef District. The shelling was reportedly targeting ISIL in Tilkef City.

On 1 November, an ISF rocket propelled grenade (RPG) hit a house in Gogjali neighbourhood of Mosul city killing a man and wounding his 12 year old daughter. ISIL had forcibly entered the house and launched a rocket from the rooftop of the house targeting ISF.

2.5 Violations and abuses by unidentified perpetrators

UNAMI/OHCHR received consistent reports of attacks and killings, often targeting civilians, where the perpetrators were unidentified or the information regarding the identities of the perpetrators was not conclusive.

Killings and abductions

Baghdad Governorate witnessed frequent killings. On 17 August, four members of the same family were shot and killed in Husseinayah (northern Baghdad,). On 19 September, the bodies of two IDPs from Fallujah living at an IDP Camp in Ghazaliya (western Baghdad), were found in Canal Street (eastern Baghdad). The victims had been abducted earlier in Palestine Street (eastern Baghdad).

In **Salah al Din Governorate** on 3 July, unidentified gunmen shot and killed one resident near the court house of Tuz Khurmatu in the Aksu quarter in Tuz Khurmatu district. The victim was a Sunni Arab IDP from Sulaiman Beg sub-district.

In **Kirkuk Governorate** on 22 July, Kirkuk Police found an unidentified male body on the main road between Laylan sub-district and Taza, southeast of Kirkuk. The body was handcuffed and blindfolded.

Although not a frequently documented phenomenon, UNAMI/OHCHR recorded some incidents of attacks and killings in the **south of Iraq**. For example, on 18 August, at a fake checkpoint in Um 'Enej area, located between Basra and Thi-Qar, gunmen tried to stop the car in which a military officer and two of children were travelling. The driver refused to stop and the gunmen shot at the car, wounding the military officer and his two children. On 30 December, one civilian was shot and killed by unidentified gunmen in Abu al-Khaseeb district, Basra Governorate. The victim was from the Sunni community and was a former member of the Ba'ath Party.

In **Basra Governorate**, on 25 October, in al-Ashar area, central Basra, a Christian male civilian was shot and killed by unidentified gunmen - despite a considerable security presence in the area.

On 23 December in **Baghdad**, unidentified gunmen—allegedly travelling in three SUVs—attacked two liquor stores in Ghadeer (eastern Baghdad), killing three civilians and wounding three others. All victims are members of the Christian community and reportedly IDPs from Ninewa.

In **Diyala Governorate**, on 17 July, unidentified gunmen using a civilian car shot and killed one civilian near his home in the Asri quarter in city center of Muqdadiya. The victim was from the Sunni Arab community.

On 26 November, the body of an Imam from Qayyarah city, south of Mosul, **Ninewa Governorate**, was brought to a medical center in Qayyarah. The body bore gun shots wounds to the head and the hands were tied. The Imam was abducted on 25 November, in front of his house in Qayyarah, by a group of armed men wearing Iraqi Army uniforms, who arrived in three pick-up vehicles without plates or insignia. HRO could not verify the identity of the perpetrators.

Attacks on civilians and civilian infrastructure and property

Attacks employing IEDs by unknown perpetrators occurred in **Baghdad and other areas of the country** on an almost daily basis. For example, on 17 September, two attacks using explosives

attached under vehicles occurred in Baghdad: one in Hurriya (northern Baghdad), killing one civilian and wounding six others, and one in Saydiya (southern Baghdad), killing one civilian.

In **Diyala Governorate**, on 25 July, an attack by an individual driving a vehicle laden with explosives at the northern checkpoint of Khalis (entrance to the city on the Kirkuk-Baghdad highway), where dozens of vehicles were queuing for security check, killed and wounded civilians. Sources provided different casualty figures, ranging from nine to 20 individuals killed and 30 to 39 individuals wounded.

In **Salah al-Din Governorate** on 7 July, gunmen (reportedly three) wearing explosive vests attacked the Sayyid Mohammed Shi'a shrine in Balad district, south of Tikrit. The gunmen, reportedly wearing ISF-like uniforms, threw hand grenades on people in the shrine area and engaged in gunfire with security forces guarding the shrine. The attackers detonated their explosive vests near the gate and in an area with shops close to the shrine wall. According to sources, 34 civilians and one PMF member were killed and more than 60 civilians were wounded. Women and children were among the casualties. ISIL reportedly claimed responsibility for the incident online. The Special Representative of the Secretary-General (SRSG) for Iraq, Ján Kubiš, strongly condemned the attack on 8 July.⁹

One indicator of the weakness of the rule of law in the south of Iraq, particularly in **Basra Governorate**, is the prevalence of individuals and groups acting as vigilantes when they detect supposed breaches of the norms of behavior that they would impose upon society. Such vigilantism is thought largely to be perpetrated by radicalized religious armed groups and individuals who sought to punish any suspected behavior that does not conform to their particular mores.

Many cases were verified during the reporting period that involved the targeting of premises that were purportedly selling alcohol or drugs or connected to prostitution. Cafes, restaurants and houses were attacked with IEDs, usually during the night, by actors seeking to impose their own form of behaviour upon those that they suspected of not adhering to their moral code. In two attacks on 11 and 18 July, IEDs were used by suspected religious extremists to target houses in the Al-Qadeema (old) neighbourhood of Basra City from which it was purported that alcohol was being sold.

On 25 July, an IED was used to target a café in the Al- Hakimiya neighborhood in the center of Basra City. The same café was targeted again with an IED on 10 August but on both occasions the explosion only resulted in material damage. On the same night, two more cafes located in the same building were targeted with an IED in the Al-Jazeer neighborhood in Basra City. The explosion caused substantial damage to the cafes and surrounding shops but no injuries or deaths. Sources indicated that the reason for the attack was that the cafes employed women who extremists suspect work as prostitutes. The same reason was given by sources for an IED attack upon another café in the center of Basra on 12 August.

On 31 July, an IED was used to target a floating restaurant that was moored on the Shatt-al-Arab River. The three-story restaurant was sunk by the explosion and a security guard who was onboard at the time lost his life. Sources indicated that religious extremists carried out the attack, the reasons for which included the fact that the restaurant employed women as waitresses.

⁹ <http://www.uniraq.org/index.php?option=com_k2&view=item&id=5874:srsg-kubis-condemns-attack-on-shia-shrine-in-balad-warns-thatdaesh-aims-to-incite-sectarian-tensions-calls-for-unity&Itemid=605&lang=en> accessed 26 February 2017.

On 17 August, another IED attack against a café occurred but this time during the day and as well as extensive damage to the premises, a worker was injured. A note that was left at the establishment earlier in the day quoted the Quran and warned against selling alcohol or drugs or employing women and threatened with death those who did not comply. Two more cafes in the center of Basra City were targeted with IEDs on 8 and 17 September but these attacks did not result in injuries or deaths.

Individuals were also targeted in apparent examples of vigilantism. On 5 September, the bodies of two men with gunshot wounds were found by the security forces in Basra City. The men had been detained since 2011 under article 4 of the Anti-Terrorism Law no. 13 of 2005, but were released for lack of evidence on 4 September 2016. After completing the necessary formalities for their release in the National Security building, they were on their way home when they were abducted. The following day, their bodies were found with signs of torture. On 7 October, a man was shot and killed by unidentified gunmen on a motorcycle in the center of Basra City. Sources indicated that the victim had sold alcohol during the month of Ashura and that this was probably the motive for the murder. On 25 October, a man was also killed by gunmen riding a motorcycle in the center of Basra City. According to sources, this victim was also thought to have been killed by extremists who suspected he was selling alcohol.

3. Rule of Law and Administration of Justice

3.1 Legal Framework

Iraq's criminal justice legislation contains some provisions protecting due process and fair trial rights, however, there are gaps in the legislative framework and in many cases the few provisions that do exist are not regularly applied. The criminal law continues to contain provisions that are discriminatory against women and children (such as provisions accepting "honour" in mitigation of crimes of violence against family members), or which criminalise certain acts that may be exploited to affect the legitimate enjoyment of certain rights (such as criminal libel and defamation). The Anti-Terrorism Law no. 13 of 2005 is vague in its application, does not include due process guarantees and fair trial rights, and its application remains of particular concern, particularly considering that a significant proportion of death sentences are handed down by Iraqi courts following conviction under this law.

Ensuring accountability for crimes committed in relation to the ongoing armed conflict, including acts of terrorism and other forms of violence, violations of international humanitarian law, and human rights violations and abuses, no matter when, where or by whom such crimes, violations or abuses were committed, remains a significant challenge in Iraq. Presently, the courts do not have jurisdiction over international crimes committed in Iraq – and judicial capacity and processes to investigate appropriately, document, charge and try perpetrators of such crimes remains extremely weak or are non-existent. Iraq is not a signatory to the Statute of the International Criminal Court (ICC) and has so far not chosen to refer matters related to the current conflict to the Court's jurisdiction under article 12 of that Statute.

Amnesty Law

General Amnesty Law no. 27 of 2016, ("*Amnesty Law*"), which allows persons sentenced to death or imprisonment to be granted amnesty, came into force in September. A wide range of serious crimes are excluded from the *Amnesty Law*. Most importantly, according to Articles 2 and 4, those charged, convicted or alleged to be involved in crimes of terrorism cannot be granted amnesty, if the crime

resulted in death or permanent disability of people (including persons who assist, incite, or are complicit or directly involved in “any terrorist crime”, interpreted as those terrorist crimes that result in death or permanent disability of people). Also excluded by Article 4 are perpetrators of the following crimes: fighting against Iraqi armed forces; crimes affecting internal and external security; sabotage of Iraq’s institutions; smuggling antiquities; weapons offences; people trafficking; kidnapping that resulted in the death of the kidnappee, in his/her permanent disability or when the fate and whereabouts of the kidnappee remains not known; crimes of captivity based on *Takfir* terminology; rape, sodomy and incest; embezzlement; counterfeiting; money laundering; unlawful release of prisoners, detainees and arrested persons; harboring convicted or accused persons; and drug offences. Those convicted of crimes under the *Iraqi Supreme Criminal Court Law No. 10 of 2005* (primarily senior members of the former Ba’ath regime) are similarly excluded by Article 4. These exclusions encompass almost all offences that could be considered “political crimes”, such as most offences under the *Anti-Terrorism Law no. 13 of 2005* (“*Anti-Terrorism Law*”), which itself potentially encompasses nearly all those currently engaged in the armed conflict against the Government of Iraq. Residual offences that fall under the *Amnesty Law* are mostly felonies and misdemeanors (criminal acts) as determined and defined by the *Iraqi Criminal Code no. 111 of 1969* and *Criminal Procedures Code no. 23 of 1971*.

Even where a person is eligible to seek amnesty, the law requires the plaintiff or the victim’s family to wave the case before the investigative judge or competent court. The law also provides the opportunity for a prisoner to apply for conversion of a term of imprisonment to a fine where she or he has served at least one-third of the sentence.

Article 9 of the Amnesty Law appears to offer the opportunity to any person convicted of a felony or misdemeanor to apply for consideration for a retrial where it is alleged that confessions upon which convictions were founded were forced through torture.

The Amnesty Law thus appears to concern itself with persons convicted of common crimes (including murder and robbery), without any link to factors that are contributing to cycles of conflict in Iraq. Unfortunately, the law appears to constitute poor public policy, as it does little if anything to further justice, rule of law, or to promote the rights of victims, but is likely to undermine public faith in the justice system.

On 28 August, the High Judicial Council (HJC) issued instructions to implement the *Amnesty Law*. They included the establishment of six central committees at Federal Judiciary Headquarters to review verdicts in relation to eligible crimes. On 11 January 2017, the Judicial Authority held a press conference to outline activities of the Federal Judiciary in 2016, including those related to implementation of the *Amnesty Law*. The Judicial Authority noted that, since September 2016, a total of 8976 cases under the *Amnesty Law* were examined by committees formed by the High Judicial Council. Of those 8976 cases, decisions or sentences were made according to the *Amnesty Law* in 7186 instances. It was noted that the HJC only studies cases according to requests by lawyers (e.g. on behalf of sentenced prisoners seeking review according to the *Amnesty Law* of a prison sentence) and does not actively seek out cases that may fall within the ambit of the law. Where a request for review is deemed by the committees to pertain to crimes within the scope of the *Amnesty Law*, it is then referred to specialized courts to consider the request.

UNAMI/OHCHR requested further information from the HJC as to the kind of cases reviewed and the outcomes of those cases, but at time of writing had not received a response to this request.¹⁰

¹⁰ On 26 February 2017, the Ministry of Justice released information on its website on progress in implementation of the *Amnesty Law*. According to the announcement, 368 prisoners were released under the

PMF Law

In 2015, UNAMI/OHCHR recommended to the Government that PMFs should be absorbed into the proposed National Guard, or as an interim measure, the Government should consider a special law regularizing the PMF, including ensuring democratic oversight and accountability mechanisms through the civilian authorities of the administration and activities of the PMF, regularizing the chain of command, terms of service, and deployment. In November 2016, the *Law of Popular Mobilization Forces Commission and Affiliated Forces (PMF Law)*¹¹ came into force. The PMF Law grants legal personality to PMFs, situates them within the Iraqi Armed Forces, and places them under the authority of the Commander-in-Chief of the Armed Forces. As a result, the Government of Iraq assumed responsibility for the actions of members of the PMFs, including during military operations. According to the PMF Law, PMFs and their members “shall be subject - in all aspects - to the applicable military laws.” In addition, the law provides that members “shall enjoy all the rights and privileges guaranteed by military laws and other relevant laws.”

In February 2017, UNAMI/OHCHR sought detailed information from the Iraqi authorities concerning these judicial cases; in particular the nature of the crimes committed, their time and location, and the number and class of victims.¹²

In a speech on 23 January 2017, the Iraqi Prime Minister, Mr. Haider Al-Abadi, stated that one committee established in June 2016, headed by the Anbar Deputy Governor, had delivered a report which includes the case of a detained member of the Badr Organisation who is accused of killing 17 civilians in Fallujah.¹³ That report was not publicly accessible at the time of reporting. UNAMI/OHCHR reported on the killing of 17 young men in Karma area of Fallujah sub-district on 29 May 2016 to the Government and had called for an open and transparent investigation into the allegations.

3.2 Administration of Justice

Due process

UNAMI/OHCHR remains concerned at the lack of consistent adherence to due process and fair trial requirements,¹⁴ in particular, the frequent failure to inform persons upon arrest of the reasons for arrest and the charges being brought against them, frequently prolonged pre-trial detention, lack of regular or appropriate access to legal counsel, infrequent visits by the Prosecutor’s Office, and delays in carrying out review of the detainees’ legal status by investigating judges.¹⁵

Amnesty Law between 1 July and 31 December 2016, and a further 388 individuals have been released in 2017 under the same law: <<http://www.moj.gov.iq/view.3010/>> accessed 26 February 2017.

¹¹ The PMF Law no. (40) of 2016, adopted by the CoR on 26 November 2016, was published in official Gazette number 4429 issued on 26 December 2016.

¹² At the time of reporting, limited details from 52 cases (47 from 2016 and five from January 2017) were provided, including the name of court and the type of sentence imposed on the PMFs. UNAMI/OHCHR awaits the other requested information. However it is not evident from the response whether any of the charges related to activities of the individuals concerned were related to the conflict.

¹³ <<https://www.youtube.com/user/pmoiraqichannel/videos>>;<<https://www.youtube.com/watch?v=1PJXByGieiU>> (accessed 25 January 2017).

¹⁴ For a comprehensive overview of powers of arrest and due process requirements under Iraqi law, see UNAMI/OHCHR, *2010 Report on Human Rights in Iraq*, section 4.5 p.20, January 2011, available online <http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=43_cc04be363b73c29225e79d7ae57e87f2&Itemid=650&lang=en> accessed 14 March 2017)

¹⁵ UNAMI/OHCHR has documented cases where some detainees have been held without formal charge and trial for up to eight years.

In practice, it is difficult to ascertain whether warrants and detention orders are issued as required by the relevant laws, since accused persons are not usually furnished with copies of the arrest warrants as required by the Iraqi Criminal Procedures Code no. 23 of 1971.

On the rare occasions that detainees had access to lawyers, this was usually during trial when the court would appoint a lawyer to act on behalf of the accused after all investigations had been completed. From ongoing monitoring, UNAMI/OHCHR has found that accused persons are rarely produced before a judge within the 24 hours of arrest as required by the law. UNAMI/OHCHR has recorded many instances where accused persons have been held beyond the limits prescribed by law; and many detainees complained that they had not been brought before an investigative judge at all during the period of their detention. Where accused persons were produced before a judge, the proceedings were perfunctory, merely to confirm the identity of the accused who would often then be returned to their cells without being informed of the process that would then be applied to them or clarification of the charges being brought against them.

Police and investigators continue to rely heavily on the information provided by “secret informants” or on confessions obtained during the investigation, which a large number of witnesses interviewed by UNAMI/OHCHR claimed were coerced through torture and other forms of ill-treatment.

Standards of Detention

Physical conditions in many detention facilities and prisons remain poor – with overcrowding putting strains on poorly maintained or out-dated infrastructure, including water, sewerage, air ventilation, and other services, etc. The situation has been exacerbated by the ongoing financial and security crises, which have seen detainees and prisoners from many insecure locations transferred to prisons that were already over-capacity and poorly resourced. For example, al-Hoot prison in Nassiriyah, **Thiqar Governorate**, Basra Central Prison in **Basra Governorate**, and other federal institutions, which were overcrowded prior to the onset of the ongoing conflict, received large numbers of prisoners and detainees transferred from facilities in Baghdad and other areas. The transferees included detainees accused of, and prisoners convicted under, the Anti-Terrorism Law no. 13 of 2005, other prisoners charged with or convicted for serious crimes, and so-called “High Value Detainees” (HVDs), who were associated with the former regime of Saddam Hussein and most of whom were convicted by the Iraqi High Tribunal (IHT).

While there are some rehabilitation programmes in prisons including literacy and computer classes, vocational and work schemes, etc., particularly in prisons with minimum security facilities, there are very few programmes aimed at countering radicalization for inmates who had previously been subjected to extremist indoctrination.

Women’s detention centres and rehabilitation centres for juveniles remain extremely poor in terms of physical conditions and have limited services. In some places in Iraq there are no facilities dedicated to women and children, who are kept in police lock-ups or, in the case of juveniles, in adult male detention centres. There are very few, or no services for the rehabilitation of women and children while in detention or subsequent to their release to promote their reintegration into society, and on release many face family and social rejection, rendering them extremely vulnerable.

Conditions of detention for juveniles in **Basra** were found to be inadequate when visited by UNAMI/OHCHR. Children held at the only dedicated detention centre for young offenders were kept in a single cramped room with no beds, one small window, and only a single toilet in one corner. They enjoyed only limited recreational facilities and access to outside spaces. UNAMI/OHCHR held meetings with a number of relevant ministries, UN agencies and other actors to see what could be done to improve the situation, particularly by exploring the possibility of accommodating young

offenders in a more adequate temporary facility until a new facility for young offenders that is being built behind the men's prison is completed.

3.3 Fair trial standards

Compliance with international and constitutional fair trial standards remains problematic.¹⁶ Judicial capacity to uphold these standards remained weak, and judges rarely investigated allegations that confessions were obtained through torture or ill-treatment, treating these confessions as admissible evidence and relying on them for convictions in contravention with international law. Defendants were rarely given the opportunity to present a defence, many accused never having the opportunity to meet with a lawyer, or to have a lawyer present at any time during the investigation or pre-trial processes, most appearing in court without defence counsel. In cases where the court appointed a lawyer to act on behalf of the defendant, no adjournment would be granted to the defence counsel to confer with the defendant or to prepare a defence. Access to lawyers in criminal proceedings remained limited and the quality of representation remained poor.

3.4 Forcibly disappeared persons

UNAMI/OHCHR continued its advocacy on, and requests for information concerning, arrested/abducted or forcibly disappeared persons. For example, advocacy letters were sent to authorities regarding the following situations:

1. Individuals reportedly abducted at the militia-run Razzaza checkpoint, south of Fallujah in Anbar in 2015. Sources reported to UNAMI/OHCHR in December 2015 that up to 1,200 individuals fleeing from the conflict in Anbar were abducted at Razzaza checkpoint in the previous months.¹⁷
2. At least 80 men and boys from al-Sejar, al-Fallujah district, Anbar Governorate, who, according to information obtained by UNAMI/OHCHR, were abducted on 27 May by members of armed groups reportedly operating in support of ISF.
3. Around 600 or more displaced men and boys from Saqlawiya, Anbar Governorate, who, according to information obtained by UNAMI/OHCHR, were abducted at the beginning of June 2016, by forces reportedly associated with the PMFs.

In advocacy letters to the government of Iraq, UNAMI/OHCHR renewed its support for a committee formed on 6 June by Iraq's Prime Minister to investigate alleged disappearances of displaced persons from the Fallujah area as well as its request for findings. On 5 September, Iraq's Ministry of Foreign Affairs informed UNAMI/OHCHR that 707 people from Saqlawiya were still considered as missing persons.

In August, UNAMI/OHCHR wrote to authorities requesting similar information on a child reportedly arrested on 16 July, by SWAT forces, from a tent in al-Iraq IDP Camp in Amiriyat al-Fallujah. In December 2016, Ministry of Justice responded stating that they had no record of this child being detained by their department. In another case, in response to a request for information on a child, the authorities reported the child's release.

¹⁶ For a comprehensive overview of fair trial requirements under international and Iraqi law, see UNAMI/OHCHR, *2010 Report on Human Rights in Iraq*, section 4.6, p.25, January 2011, available online <http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=43_cc04be363b73c29225e79d7ae57e87f2&Itemid=650&lang=en>

¹⁷ UNAMI/OHCHR Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 November 2015 – 30 September 2016, p.19.

In November, UNAMI/OHCHR also requested authorities to investigate and share findings relating to footage uploaded on the internet on 11 November showing a man in military uniform (identified as PMF) shooting a young man and then throwing his body under a tank.¹⁸

In early January 2017, UNAMI/OHCHR inquired on the establishment of a unified justice database, but according to Iraqi authorities the project has stopped for technical reasons.

3.5 Monitoring of screening centres

Prior to the commencement of ISF operations in Mosul, UNAMI/OHCHR provided to the Government of Iraq and the Kurdistan Region of Iraq with principles on the protection of civilians by security forces during the conduct of operations, particularly on the conduct of security screening. In conformity with those principles, the Government announced that screening would only be conducted by lawfully authorized authorities in clearly identified locations and would be conducted in a transparent manner. UNAMI/OHCHR monitoring indicates that these principles are generally being adhered to by ISF.

On 7 November, UNAMI/OHCHR carried out a visit to al-Jada' IDP Camp in al-Qayyarah sub-district of Mosul and interviewed people with regard to IDPs' screening process at the camp. The screening is managed by ISF (national security unit), which checks the incoming IDPs' IDs against lists of people suspected of having committed terrorism-related acts. ISF informed OHCHR that 15 suspects were arrested and transferred to Baghdad for further investigation as their names and other details were on the lists. No screening is taking place at the camp for female IDPs.

On 10 November, UNAMI/OHCHR visited Khazir IDP camp in Hamdaniya district of Mosul and interviewed people with regard to IDPs' screening process at the camp. The screening is done by the Asayish at the camp's reception center. The Asayish checked names of IDPs against a database. Suspects are transferred to the Directorate of Asayish in Akre district, Dohuk Governorate, for security investigation. Physical checks of female IDPs was done by five female, civilian volunteers. One of the female volunteers stated to UNAMI/OHCHR that she had not received any training for this engagement.

On 15 November, UNHCR and UNAMI/OHCHR conducted a joint mission to Kilo 18 IDP Camp, west of Ramadi, Anbar. Screening was done by Iraqi Police at various sites in Anbar including al-Hurriya screening center and Hasiba 18 screening centre, where Iraqi Police checked the names of IDPs on computers. Some were then rescreened by Iraqi Police. Women were not searched along the displacement journey or at screening centres, nor were female searchers present or required at these locations.

UNAMI/OHCHR sent four advocacy letters to Iraqi authorities in December regarding thirty-six persons allegedly arrested in and around internally displaced persons (IDP) camps and screening centres in Anbar governorate. UNAMI/OHCHR requested the authorities to undertake an investigation of these cases as a matter of urgency "to ascertain whether these persons are being detained by any authorities of the Government of Iraq, and if so, to inform UNAMI/OHCHR of their whereabouts and condition, as well as the charges that have been laid against them, and the status of the legal proceedings against them." At the time of writing, UNAMI received information from Iraqi authorities that four of those on the list were being detained in Ministry of Justice-run facilities. The whereabouts of the remaining 32 persons is not known.

¹⁸ On 18 January 2017, the Ministry of Foreign Affairs responded by noting the establishment of a fact-finding committee in the Ministry of Defence Directorate of Human Rights to investigate and reach findings with respect to the footage.

UNAMI/OHCHR is also concerned with limitations on freedom of movement of displaced persons and confiscation of their identity cards during the screening processes. For instance, UNAMI/OHCHR has received reports that IDs were being confiscated by Kurdish Security Forces from a large number of IDPs in Hassan Cham Camp. Furthermore, in the same camp, even after IDPs were registered and their screening completed, IDPs had their freedom of movement restricted (for instance, they were prevented from collecting belongings from their cars located outside the camp).

3.6 Attacks on judges and lawyers

There were a number of attacks on judges and lawyers during the reporting period. In many cases the identities of the perpetrators and their motives were not known.

In **Basra Governorate** on 18 July, unidentified gunmen targeted the house of a judge using an improvised explosive device planted near his home in the al-Muhanidseen quarter of Basra. No casualties were reported as a result of the explosion. The judge was working in the Third Investigation Court in Basra and responsible for investigation of terrorism cases in Basra.

In **Diyala Governorate** on 8 August, local media reported that unidentified gunmen using a civilian vehicle shot and killed a female lawyer near a supermarket in Shiekh Saeed between Muqdadiya and Abu Saida, in Muqdadiya district. The victim worked in a courthouse in the district of Muqdadiya.

In **Kirkuk Governorate** on approximately 9 October, Qara Tapa village in Multaqa sub-district of Hawija District ISIL cells shot and killed three civilians, a male lawyer, a *mukhtar* (local mayor) and a government employee.

In **Baghdad**, on 3 August, an attack using explosives attached under a vehicle in Mashtal (eastern Baghdad, Shi'a majority) killed one civilian man. The victim was later identified as lawyer. On 31 August a drive by shooting by unidentified gunmen killed a judicial assistant and wounded in son killed in Adl, western Baghdad, Sunni majority). On 13 October, two male lawyers were shot and killed by unidentified gunmen in Arefiyah area of Jisr Diyala (southern Baghdad, Shi'a majority). On 15 November, police found a male body in al-Turath (southwestern Baghdad, Shi'a majority). The victim was later identified as a lawyer.

3.7 Death Penalty

The Government of Iraq continued to execute condemned prisoners, despite repeated calls from the United Nations Secretary-General, the High Commissioner for Human Rights, and UNAMI to implement a moratorium on the death penalty with a view to its abolition, in accordance with United Nations General Assembly resolutions 62/149 (2007), 63/168 (2009), 65/206 (2010), 67/176 (2012), 69/186 (2014) and 71/187 (2016).

Since 2015, the Ministry of Justice instructed its staff not to communicate information to UNAMI/OHCHR in relation to death sentences implemented in Iraq and consequently UNAMI/OHCHR has not been able to ascertain the exact number of persons executed by Iraq during the reporting period. Through cooperation with its network of contacts, UNAMI/OHCHR has been able to establish that the absolute minimum number of executions in Iraq (Federal Iraq and Kurdistan Region of Iraq) throughout 2016 was 89, and that a conservative estimate suggests that at least 49 persons were executed during the reporting period. As previously stated by the UN High Commissioner for Human Rights in 2015, and repeatedly reiterated by UNAMI/OHCHR to Iraqi authorities during the reporting period, executions and sentences implemented pursuant to judicial proceedings are a matter of public interest, which also requires that such decisions should be implemented in a transparent manner with full public disclosure in conformity with due process

obligations.¹⁹ UNAMI/OHCHR is concerned at the lack of transparency in the implementation of the death penalty in federal Iraq, and, as the following section reveals, in the Kurdish Region of Iraq. Irrespective of the reasons, lack of transparency in the application of the death penalty constitutes a violation of Iraq's international legal obligations in relation to due process and transparency.

On 12 July 2016, the President approved the following amendments to the *Iraqi Criminal Procedure Code of 1971* regarding re-trials and ostensibly to expedite death penalty cases.²⁰ Those amendments were published in the Gazette on 18 July 2016.

1. A new condition for submission of re-trial requests was enacted. A copy of the judgement imposing the punishment (death penalty) must be included in the application for a retrial. (ICPC\Article 271).
2. Following receipt of a death penalty sentence file, the Public Prosecution now has only 30 days in which to submit to the Cassation Court its legal opinion on the reasons on which the request is made. (ICPC\Article 272).
3. Only one re-trial is permitted in relation to a death penalty sentence. (ICPC\Article 273-Second)
4. A judicial ruling on a request for re-trial following a death penalty sentence must be made within thirty days of receipt of the file and the legal opinion of the public prosecution. (ICPC\Article 274)
5. In the case of a death penalty sentence, the court must make a decision regarding re-trial within ninety days of receipt of the file. The sentenced individual must be brought before the court to hear that decision. (ICPC\Article 275)

On 23 July, Prime Minister Haider Al-Abadi ordered the formation of a committee tasked with addressing perceived delays in implementing the execution of death sentences. The committee is reportedly composed of representatives from the General Secretariat of the Council of Ministers, the Ministry of Justice, the High Judicial Council, and the Presidency.²¹

On 4 July, the Ministry of Justice announced that **five** persons had been executed on that day.²² On 6 July, at a conference at its headquarters, the Ministry of Justice stated: " (...) the Ministry of Justice has implemented 45 executions since the beginning of 2016 until Tuesday 5 July 2016 against several individuals convicted in various terrorist and criminal cases (...)"²³

On 17 August, local media reported that **four** individuals convicted of terrorism-related crimes were executed in Nassiriyah prison, Thi-Qar Governorate. UNAMI/OHCHR checked the Ministry of Justice website and there was no reference to those executions. The Ministry of Justice declined to comment. Reliable sources confirmed to UNAMI/OHCHR that the executions in fact took place.

¹⁹ OHCHR, Press Briefing Notes, 16 February 2016, at <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17051&LangID=E>> accessed 17 February 2017)

²⁰ No. 18 of 2016.

²¹ <<http://www.pmo.iq/press2016/23-7-2016001.htm>> accessed 26 February 2017.

²² <<http://www.moj.gov.iq/view.2459/>> accessed 24 February 2017.

²³ <<http://www.moj.gov.iq/view.2462/>> accessed 24 February 2017.

On 21 August, Iraqi authorities executed **36** men convicted of participation in the Camp Speicher Massacre in Nassiriyah prison, Thi-Qar Governorate. The Ministry of Justice confirmed the executions on its website.²⁴

On 31 August, Iraqi authorities executed **seven** individuals from Egypt, Jordan, Libya, Palestine, Sudan, Syria and Tunisia, who had been detained for four years prior to being convicted of belonging to the Al-Qaeda network. The Ministry of Justice confirmed the executions on its website.²⁵

On 8 September, local media reported that Nassiriyah Central Prison announced that on 8 September **three** people convicted of terrorism related crimes against Iraqis (two from Syria and one from Saudi Arabia) were executed by hanging. UNAMI/OHCHR checked the Ministry of Justice website and there was no reference to those executions. The Ministry of Justice declined to comment. Sources confirmed to UNAMI/OHCHR that the executions took place.

On approximately 4 October, the precise date is unknown, according to media, **one** Saudi national was executed in Nassiriyah Central Prison. UNAMI/OHCHR checked the Ministry of Justice website and there was no reference to those executions. The Ministry of Justice declined to comment. Sources confirmed to UNAMI/OHCHR that the execution took place.

On 24 November, according to media, the specialized section in Nassiriyah Central Prison executed eight prisoners convicted of terrorism. These prisoners were convicted for their involvement in killings and car bombs in different areas of Iraq. UNAMI/OHCHR checked the Ministry of Justice website and there was no reference to those executions. The Ministry of Justice declined to comment.

3.8 Rule of Law in the Kurdistan Region of Iraq

Legislative Framework

The Kurdistan Region of Iraq Parliament continues to be in recess due to the internal political strife in the KR-I. This has hindered the functioning of the legislative authority, including the performance of its crucial role to enact laws, represent the public and monitor the role of the executive power.

In the previous semi-annual report, UNAMI/OHCHR expressed concerns at the KR-I Anti-Terrorism Law No.3 of 2006, which breached the obligations of the KR-I under international human rights law, namely the Convention against Torture (CAT) and the ICCPR.²⁶ UNAMI/OHCHR addressed a letter to the Parliament on 28 February 2016 raising these specific concerns and recommending the repeal or amendment of the relevant provisions of the Law to bring it into line with Iraq's international legal obligations. The KR-I Anti-Terrorism Law, renewed every two years since its adoption, expired on 18 July 2016. The KR-I judiciary and law enforcement agencies have since applied provisions of the Iraqi Penal Code in relation to counter-terrorism charges. UNAMI/OHCHR welcomed the non-extension of the Law and continues to follow-up with authorities on due process issues pertaining to counter-terrorism issues.

Prisons/detention centers

Torture or ill-treatment acts are forbidden by provisions of the Constitution of Iraq and Article 333 of the Penal Code of Iraq, as well as by international human rights obligations applicable for Iraq,

²⁴ Confirmed by MoJ online on 21 Aug at: <<http://www.moj.gov.iq/view.2520/>> accessed on 22 August 2016.

²⁵ Confirmed by MoJ online on 21 Aug at: <<http://www.moj.gov.iq/view.2520/>> accessed on 22 August 2016.

²⁶ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Iraq acceded to the Convention on 7 July 2011; Iraq acceded to the International Covenant on Civil and Political Rights on 25 January 1971.

including ICCPR and CAT. However, KR-I has not passed any specific regulations with regard to the conditions in detentions and/or prisons. At the Iraqi level, standards to be applied in prisons and detention centres are prescribed by the Management of Detention and Prison Facilities Act No. 2 of 2003²⁷, in compliance with the United Nations' Standard Minimum Rules for the Treatment of Prisoners. However, it appears that the competent authorities have not recognized the Management of Detention and Prison Facilities Act. Accordingly, there is no mandatory set of regulations in KRI legislation stipulating standard conditions regulating detention centres.

Detention facilities are managed by three different authorities in KR-I: the KR-I Ministry of Interior (MOI) for general criminality; the *Asayish* – KR-I security entity - for terrorism, organized crime and drug-related offences; and the KR-I Ministry for Labour and Social Affairs (MoLSA) for juvenile and female detainees. According to data provided by the relevant authorities, the number of detainees in KRI-MOI detention centers decreased over the course of 2016, from 2,388 in July 2016 to 1,862 in December 2016. However, while statistics are not yet available for 2016 for KRI MoLSA and *Asayish* detention facilities, the overall number of detainees in KR-I has risen significantly since October 2016. The increase is mostly in connection with terrorism-related arrests resulting from the military action to reclaim Ninewa Governorate from ISIL.

During the reporting period, UNAMI/OHCHR followed on the mapping of conditions across all detention facilities²⁸ with a focus on compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners, which sets out principles and practices in the treatment of prisoners and the management of institutions.²⁹

Due process

The Kurdistan Regional authorities have granted access to UNAMI/OHCHR to all detention facilities and prisons in KR-I after appropriate notification to the relevant authorities. However, UNAMI/OHCHR could not access counter-terrorism cells and *Asayish* centres in Erbil as of mid-2016.

UNAMI/OHCHR observed breaches in the application of the Criminal Procedure Code, in particular in proceedings relating to terrorism charges in KR-I, including long delays in bringing detainees before a judge, restrictions on or denial of access to legal counsel, or prolonged periods of detention without trial.

UNAMI/OHCHR continued to follow on the case of Mr. Ahmad Walid Younis³⁰ who was acquitted by the Criminal Court on 25 February 2016. His case was then transferred to the Cassation Court in Erbil that endorsed the decision of the Appeal Court in August 2016. As of the end of December 2016, Mr. Younis was still in detention and his case remained pending. On 14 July 2016, UNAMI/OHCHR forwarded to the Cassation Court in Erbil and the Minister of the Interior the WGAD Opinion on the case of Mr. Younis, noting concerns with his continuous detention, which is qualified by the WGAD as arbitrary. UNAMI/OHCHR requested several times to have access to Mr. Younis, but the relevant *Asayish* authorities have not responded positively to these requests. No other information was made available to UNAMI /OHCHR as to the basis of the defendant's continued detention.

²⁷ Enacted by the Coalition Provisional Authorities in 2003.

²⁸ Mapping exercise conducted in 2015 and the first half of 2016. For more details please refer to the semi-annual report covering January-June 2016 for further details.

²⁹ Standard Minimum Rules for the Treatment of Prisoners, 13 May 1977 (revised on 17 December 2015), paragraph one of preliminary observations.

³⁰ On 27 April 2016, the United Nations Working Group on Arbitrary Detention (WGAD) adopted an Opinion on the case of Mr. Ahmad Walid Younis noting that the deprivation of his liberty is arbitrary and requesting the Government of Iraq to immediately release him and provide him with full reparation.

Death Penalty in KR-I

The KR-I breached for the second time in a nearly one year time its unofficial moratorium on the death penalty that has been in place since 2008.³¹ UNAMI/OHCHR continues to conduct advocacy on the abolition of death penalty in KR-I with a view to avoiding recurrence of the exception to the Presidential instruction.³²

On 10 December 2016, the authorities of Zarga Prison in Dohuk executed one convict following ratification of a court's sentence by the KR-I President. The 22-year old convict who was convicted of murdering an 18-month old girl, was sentenced earlier on 10 July 2016 by the Criminal Court in Dohuk for death pursuant to Article 406 of the Iraqi Penal Code. On 19 October 2016, the Cassation Court endorsed the sentence. The KR-I President approved the execution on 27 November 2016. On 20 December 2016, UNAMI/OHCHR wrote to the KRG with regard to the execution, appealing to the President of the Kurdistan Region of Iraq to halt any future executions of convicts sentenced to death, and to re-instate the strict moratorium on carrying out executions under any circumstances.

4. Women's Rights

Women continue to face discrimination that detrimentally impacts their full and equal participation in the political, social and economic life of Iraq.

Of particular concern, women and children continue to be subjected to sexual and gender based violence. There continues to be no effective legal or policy frameworks that prevent sexual and gender based violence, protect the survivors of such violence, or ensure the accountability of perpetrators. Combating crimes of violence committed against women and children remains problematic owing to the fact that Article 409 of the Iraqi Criminal Code no. 111 of 1969 permits honour as mitigation for crimes of violence committed against family members, and there is reluctance among law enforcement agencies to effectively, promptly, thoroughly, independently and impartially investigate such crimes or to hold the perpetrators accountable. The 'Family Protection Law' has remained stalled before the Council of Representative for over four years – and many of its provisions require amendment to ensure its compliance with international standards. The Iraqi Government's policy frameworks for combating sexual and gender based violence, and the national strategy to combat conflict related sexual violence, remain unimplemented.

UNAMI/OHCHR has engaged in consultations with civil society organizations working on women's rights with a view to collecting their views on the draft Family Protection Law. Following the consultations, UNAMI/OHCHR has made some suggested amendments to the draft law for recommendation to the COR with a view to ensure that the draft law is in compliance with international standards and that it incorporates relevant comments received from civil society. Advocacy by UNAMI/OHCHR and civil society partners with members of COR is continuing.

The Special Representative of the Secretary General on Sexual Violence in Conflict and the Government of Iraqi signed on 23 September 2016 a joint communique on prevention and response to conflict-related sexual violence. In the joint communique, amongst other things, the Government of Iraq and the United Nations agreed to cooperate on key priority areas: legislative and policy reform to strengthen protection from sexual violence crimes and to facilitate their documentation;

³¹ The unofficial moratorium is based on an instruction from the President of the KR-I, Masoud Barzani indicating that death sentence warrants are not to be processed.

³² An exception to the unofficial moratorium took place the first time in August 2015 when three convicts jointly sentenced to death were executed. The second execution took place in December 2016.

ensuring accountability for sexual violence through strengthening the capacity of national and regional authorities to document, investigate and prosecute sexual violence crimes according to applicable national laws, and to; ensuring the provision of services for survivors of rape. UNAMI/OHCHR has conducted meetings with the Government of Iraq advocating for the introduction of amendments to the Iraqi Criminal Law to grant domestic courts jurisdiction over international crimes, including sexual violence crimes, committed in Iraq. UNAMI/OHCHR has also conducted several meetings with the Government of Iraq advocating for the Government to ensure that survivors of human rights violations or abuses, particularly sexual violence survivors, receive adequate support, including psycho-social support and medical care.

4.1 Trafficking

UNAMI/OHCHR received a number of reports concerning trafficking of women, Iraqi and foreign. One case of trafficking of women was registered in Thi-Qar Governorate when a girl of 16 and a woman of 19 years were freed in a raid by security forces in Nasiriya on 24 October after having been abducted in Baghdad. According to sources, one of the accused arrested in the operation had a history of involvement in prostitution rackets. In December, UNAMI/OHCHR received information concerning the trafficking of women (predominantly from south Asian countries) who were brought to Iraq on the pretext of legitimate jobs as maids, nannies, etc., who were then subjected to a range of sexual, physical and other forms of abuse. Such cases were reported from Baghdad and Basra.

4.2 Honour killings

UNAMI/OHCHR continue to receive reports from various parts of Iraq of women and girls being murdered – the circumstances of a number of these cases strongly indicating that they were the victims of so-called ‘honour crimes’.

A number of cases of suspected so-called ‘honor killings’ occurred in Basra and Thi-Qar governorates during the reporting period. On 13 July, the body of a woman was found in a pit in the Al-Zubair district of Basra governorate. The body was decapitated and had several stab wounds. Sources indicated that the state of the body was consistent with an ‘honour killing’. A government source informed UNAMI/OHCHR that two more female bodies with similar mutilation were found in Al-Zubair district during the previous two week period and were also presumed to have been victims of so-called ‘honour killings’. One of these victims worked at the Women’s Affairs Directorate in Al Zubair district and her body was found with multiple stab wounds and her head had been crushed. The other body had stab wounds and the head had been decapitated. Also, on 16 October, Thi-Qar police announced that they had found the body of a woman that had been left by the side of the road in a rural area. The body showed signs of torture, including bruising on the face and swelling of the head, that sources indicated were consistent with an ‘honour killing’.

4.3 Women’s Rights in the KR-I

Violence against Women

Violence against women (VAW), including domestic violence, remains of concern throughout the KR-I due to traditional practices and attitudes concerning the role of women within the family and in society. Women and girls are subjected to many types of violence and discrimination including physical abuse, honour-based killings, self-immolation, female genital mutilation (FGM), sexual violence and harassment, as well as inequality and social exclusion. Furthermore, the displacement of thousands of Iraqis has exacerbated already high rates of domestic violence that existed before the conflict.

The number of reported cases of VAW increased from 5,307 in 2013 to 8,002 in 2015.³³ This is largely attributed to the growing confidence of the public, in particular women, to report VAW to the authorities.³⁴ However, for the period of January to October 2016 (the most recent figures currently available), a total of 5,858 VAW cases were reported and published on the official site of the General Directorate of Combating Violence against Women (GDCVAW). This reporting covers all six Directorates of Combating Violence against Women (Erbil, Sulaimaniyah, Dohuk, Rapareen, Garmiyan, and Soran). There were 97 cases of killing and suicide, 267 cases of burning and self-immolation, 5,412 cases of verbal or physical abuse, and 82 cases of sexual violence. This is compared to 6,842 VAW cases reported for the same 10-month period in 2015, including 110 cases of killing and suicide, 246 of burning and self-immolation, 6,348 of physical or verbal abuse, and 110 of sexual violence. This indicates an overall decrease of 16.9% in cases reported for the same 10-month period.

The classification of VAW cases used by GDCVAW, however, is not sufficiently delineated to understand exactly which types of violence are included under the categories that are published.³⁵ In addition, GDCVAW does not publish data on the number of arrests and prosecutions for the cases of VAW reported. The bulk of the cases reported come under the category of physical and verbal abuse. Unfortunately, in publishing this data DVCAW does not disaggregate between physical and verbal abuse. Cases of sexual violence remain generally under-reported due to fear, shame and stigma. It is also difficult to obtain accurate statistics on the number of honour-killings or of 'honour-related' violence. Data published by GDCVAW indicates the number of women killed in KR-I, but the motivations for these killings, such as 'honour', inheritance, or family disputes are not indicated. The KR-I authorities actively investigate the murders of women,³⁶ but this can be challenging if the family prefers 'tribal' justice to resolve the issue.

Shelters

As of June 2016, a by-law drafted by MoLSA that defines the role of relevant government ministries in relation to women's shelters was still pending approval by the KR-I Council of Ministers. The by-law is supposed to supplement the implementation of the KR-I Shelter for Women under Threat Instruction No. 2 of 2014, which set out the minimum standards for the establishment and management of all women's shelters in KR-I.

There are still shortages of resources to improve the women's shelters in KR-I. In December 2016, the newly constructed shelter in Dohuk started to operate after being partially furnished with the help of UN Women and UNHCR. The building includes 18 rooms, each accommodating four persons. However, the shelter still lacks enough air conditioners, curtains, mattresses and blankets. The shelter has a generator, but lacks sufficient electricity as the government has not allocated funds to buy fuel for the generator. There is no ongoing vocational training programme for the women in the shelter. The women's shelter in Sulaymaniyah has encountered problems with a large number of

³³ Figures by the General Directorate of Combating Violence against Women (GDCVAW). Official site of the General Directorate of Combating Violence against Women(GDCVAW): <<http://bgtakrg.org/index.php/statics>>

³⁴ Government officials have regarded the increase in the complaints as a positive trend that women are becoming more aware of their rights and are willing to report or file a complaint against the perpetrators of violence regardless of whether the perpetrator is the father, brother, husband or cousin.

³⁵ The cases of VAW and DV are reported to the offices of CVAW from a range of sources including the police, NGOs, public prosecutor, IBHR and those providing para-legal services before the courts, according to the DCVAW in Erbil.

³⁶ In January 2015, a ministerial order from Mol provided the Directorate of Combatting VAW with the exclusive power to investigate murders of women.

referrals of women with mental disorders into the shelter, despite clear instructions set by MoLSA against this.³⁷ The shelter accommodates two women with schizophrenia as well as one woman who is fully paralyzed. The overall condition inside the shelter is good, but it needs additional clothing for newly arriving women and children. The building of the women's shelter in Erbil is not well designed to accommodate all cases. Many women sleep on the ground due to the lack of space and beds. UN Women has assisted the shelter by providing air conditioners and other building needs. The majority of the cases in Erbil have been accommodated in the shelter because of marital infidelity and elopement; only one case suffers from a mental disorder.

One of the main challenges facing women when they leave the shelters is being able to return safely to their families or society without reprisals against them. In KR-I, a judge has to authorize the "release" of a woman from a shelter, but will usually only do so after receiving some guarantee or pledge from a family member or relative that the woman will be safe. After a woman leaves the shelter, DCVAW monitors her safety; however, there are no programmes in place to support women who are unwilling or unable to return to their families to transition from the shelters so as to be able to lead an independent and self-supporting existence.

Throughout the reporting period, UNAMI/OHCHR continued to monitor and advocate for individual cases in cooperation with the GDCVAW and relevant United Nations entities.

5. Children's Rights

5.1 Deaths and injuries from remnants of war

UNAMI/OHCHR continued to receive information during the reporting period about children being killed or injured by remnants of war. On 30 August, a 12 year-old girl was injured when she was grazing sheep and trod on a landmine in the al-Zubair district of Basra governorate. The victim later died of her injuries in hospital. On 16 November, two young brothers were seriously injured by a landmine that exploded in the al-Tannuma area of Basra governorate and on 17 November a 10 year-old boy was injured while he was grazing sheep in the al-Khidher district in Muthana, but later died from his wounds in hospital.

5.2 Trafficking in children

One case of attempted trafficking in children was recorded in Maysan governorate. On 17 December, the General Directorate for Combating Organized Crime announced that they had arrested a man who had attempted to sell his six months old infant. Sources informed UNAMI/OHCHR that the accused attempted to sell his child to three persons who offered him three million IQD. The prospective buyers were also arrested and charged with trafficking.

5.3 Trafficking (organs)

An incident involving the trafficking of the human organs, including those of children, was also registered during the reporting period. On 6 October, Thi-Qar authorities received a tipoff regarding the trafficking of human organs and began an investigation that resulted in the arrest of a 14 year-old boy and a 19 year-old man. The first suspect confessed to making an agreement with someone in Baghdad to send him people who want to sell their kidneys for a 25.000 IQD commission on each

³⁷ The shelter Instructions: Instruction no.2 issued by MoLSA on 10 July 2014 to run the Shelter for Women under threat, Article 5, first para, item 2. "The women should not be patient of infectious or psychological diseases".

person. He was charged with trafficking of human organs. The second person was charged with selling alcohol. Both of them had already sold one of their own kidneys.

5.4 Stray bullets

Whether due to crossfire between warring tribes, celebratory shots fired at weddings or those fired at funerals, stray bullets continued to kill and injure children on a regular basis in the south of Iraq. On 16 July, a two year-old boy was injured by a stray bullet in the center of Basra City. On 7 October, in the center of Basra City, a 12 year-old boy was killed and a 15 year-old boy injured by crossfire between two people armed with AK47s involved in a personal dispute. On 13 September, an eight year-old girl was struck in the stomach by a bullet during an armed clash between members of the same tribe in the al-Garma area, north of Basra governorate. The victim later died in hospital of her injuries. On 26 September, an 11 year-old child was killed by a stray bullet when tribal clashes erupted in the Shatra district, 30 km north of Nasiriya, Thi-Qar governorate. On 29 November, a six year-old boy received serious leg injuries from a stray bullet when tribal clashes erupted between two groups from the same tribe in al-Dawaya district, in the north of Thi-Qar.

Children have also been the collateral victims of other examples of violence, such as the case of a nine year-old girl who was killed on 28 September by the explosion of an IED that was planted by unidentified persons near her house in the al-Zubair district, north of Basra City. According to one source, the father of the victim was the intended target of one of the militias in Basra.

5.5 Children's rights KRI

Human Rights Education in Schools

The education for human rights for children and youth is essential for post-conflict reconciliation and social harmony. In June 2016, UNAMI/OHCHR -with the financial support of the Flemish Government- launched the Human Rights Education in Schools Project in KR-I. The project aims at reviewing national educational policies and the curriculum for selected school grades and training teachers on technical and substantive issues pertaining to human rights principles and fundamental freedoms. The project will run during the academic years of 2017-2018. UNAMI/OHCHR is leading the project in cooperation with the Ministry of Education and Ministry of Endowment and Religious Affairs. UNAMI/OHCHR developed an educational strategy that focuses on the revision of the religious studies curriculum and the important role of teachers. UNAMI/OHCHR commenced implementation of the project in two phases: facilitating the establishment of a Steering Committee in order to review the final report submitted by two experts on human rights education, and conducting a training course for teachers and educational monitors of Halabja Governorate on Technical and Substantive Issues Pertaining to Human Rights Principles in November 2016.

On 26 December 2016, UNAMI/OHCHR, in coordination with the KRG Ministry of Education (MOE), the Ministry of Endowment and Religious Affairs and IBHR organized the final meeting of the Steering Committee formed to review the curriculum of religious education and knowledge of religions for secondary education in KR-I. Participants included representatives from the Ministry of Education, IBHR, the High Council for Women's Affairs, UNESCO, and the Forum of Islamic Thought, as well as academics and representatives of relevant non-governmental organizations. The Steering Committee presented its final conclusions, recommendations and comments on the development of the curriculum of religious education and knowledge of religions subjects to the Minister of Education, who endorsed the study and committed to have it reviewed by relevant committees at MOE for further consideration. UNAMI/OHCHR welcomes the support provided by MOE in conducting the Project as well as facilitating training courses dedicated to instructors at elementary and secondary schools in KR-I.

6. Rights of Minorities

Minority ethnic and religious communities faced significant challenges in Iraq, not least of which were threats to their security, and discrimination that detrimentally impacted the full enjoyment of their rights.

ISIL has particularly targeted ethnic and religious communities pursuant to their *takfiri* doctrines as part of a systematic and widespread campaign aimed at the permanent suppression, expulsion or destruction of these communities that may constitute war crimes, crimes against humanity and genocide. Many of these communities remain displaced – and ensuring their return to their places of origin, in full dignity and security and respect for their rights according to international humanitarian principles, and restoring and rebuilding these communities, will be essential to restoring trust between communities and thereby supporting a truly inclusive and enduring national reconciliation in Iraq.

UNAMI/OHCHR in partnership with other stakeholders, engaged in efforts to have appropriate legislation passed by the Council of Representatives that will ensure the respect and protection of the rights of minority ethnic and religious communities, and implemented a range of activities aimed at restoring trust within and between communities.

During the reporting period, UNAMI/OHCHR received individuals and groups of religious and ethnic minority representatives as well as information relating to the treatment of minorities and allegations of violations of minority rights. UNAMI/OHCHR continued to document and follow up on such allegations. UNAMI/OHCHR also engaged with the Government of Iraq in connection with a government form to apply for a national identity document. The form requested the applicant to select their nationality from a list that did not include some ethnic groups. UNAMI/OHCHR advocated with the Government of Iraq for the form to be amended and the requirement for one's nationality has since been removed from the application form.

6.1 Anti Discrimination Bill

UNAMI/OHCHR continued to advocate and provide technical support towards legislative reform particularly with regards to minority rights. UNAMI/OHCHR provided support to the Iraqi Government and civil society through a joint project with UNAMI's Office of Political Affairs on a draft *Law on Protection of Diversity and Prohibition of Discrimination* aimed at promoting the protection of minority rights in Iraq. The office provided technical support to ensure that the bill is consistent with international standards. UNAMI/OHCHR continues to engage with relevant Iraqi civil society groups and the Government of Iraq regarding the final text of the bill.

6.2 Sexual minorities/LGBTI

Members of the LGBTI community in Iraq continue to face serious discrimination, threats, physical attacks, kidnappings, and killings on account of their sexual orientation or identity. UNAMI/OHCHR continued to monitor the situation of LGBTI community and engaged with the Government of Iraq on promoting the protection of LGBTI rights. UNAMI/OHCHR reviewed a draft report of a Government of Iraq LGBTI inter-ministerial committee that conducted a study on the situation of LGBTI community in Iraq. As part of the review process, during the reporting period, UNAMI/OHCHR made consultations with relevant civil society organizations to provide them with an opportunity to contribute their views to the draft report. Based on these views and in line with international standards, UNAMI/OHCHR subsequently provided comments to the inter-ministerial Committee in early February 2017. The inter-ministerial report is yet to be published.

Cases of attacks upon LGBTI

UNAMI/OHCHR continued to receive allegations of disappearance, attacks on and killings of individuals, allegedly on the basis of their sexual orientation and gender identity. In this connection, UNAMI/OHCHR met with individuals who had been subjected to harassment, threats, and/or violence because of their sexual orientation. Such violence is often directed against individuals by armed groups, Government security forces, civilians and family members based on perceptions that the individual may be LGBTI.

A man was allegedly kidnapped in al-Sha'ab neighborhood in Baghdad by unknown armed men who raped him for two days before releasing him after his family paid a ransom. Simultaneous, but uncoordinated, attacks upon people believed to be homosexual occurred in both Basra and Thi-Qar governorates during the reporting period. On 9 November, an IED was used to target a café popular with the homosexual community in Basra City. The device resulted in material damage to the café but no casualties were reported. The attack occurred at the beginning of the month of November and it is suspected that heightened intolerance by religious extremists towards such groups as the LGBT community probably contributed to the targeting of the café at this time.³⁸ On the same day, a 16 year-old boy was killed by a group of three young men in the Al-Chibayish district of Thi-Qar Governorate. Sources indicated that the accused had been arrested and that they had allegedly killed the victim because he was homosexual.

7. People with Disabilities (PWD)

People with disabilities continue to remain particularly vulnerable in Iraq and face significant challenges, including social, economic, and political discrimination that detrimentally impacts the full enjoyment of their rights. Despite ratifying the Convention on the Rights of Persons with Disabilities in 2013, the Government has failed to implement appropriate measures as required by the Convention to ensure the respect and protection of the rights of persons with disabilities and to address discrimination and other obstacles that they may face. The Government passed a law in 2013 under which a Commission to promote the respect and protection of the rights of persons with disabilities was established. However, the Commission established by the Law continues to operate under the fiscal and administrative authority of the MoLSA and does not have the independence required by article 33 of the Convention on the Rights of Persons with Disabilities. There are also issues concerning the lack of representation on the Commission by people with disabilities.

UNAMI/OHCHR engaged with PWD and civil society organizations working on PWD rights. It also continued to engage the Iraqi Government on the rights of PWD to ensure State compliance with relevant international instruments. To this end, UNAMI/OHCHR consistently advocated for the independence of the Commission to promote the respect and protection of the rights of persons with disabilities to ensure it complied with the provisions of the convention on the rights of PWD.

UNAMI/OHCHR also finalized a report on the situation of PWD in Iraq, which was based on interviews with PWD, relevant civil society organizations and Government of Iraq officials working on disability issues. The report, published in January 2017, highlights the difficult plight of PWD in Iraq, particularly in connection with the ongoing conflict and humanitarian emergency. Through applying a gender perspective, the report analyses the challenges that PWD still face, despite some

³⁸ In 2016 the month of November coincided with the Arabic month of Safar when the commemoration of Arba'een and the martyrdom of Imam Hussein Ibn Ali takes place.

measures taken by the government to address their situation. It explores the role of the State, civil society and the family in addressing the rights of PWD. It also analyzes the legislative context at the national and international levels and makes some recommendations, in light of the upcoming periodic review of Iraq by the Committee on the rights of PWD.

8. Freedom of expression

8.1 Attacks on media professional

Freedom of expression faced significant challenges in Iraq. Journalists and media professionals continued to suffer intimidation, abduction and killings while carrying out their professional duties.

UNAMI/OHCHR received reports that media professionals were subjected to attacks by ISIL, threats from security forces, and other armed groups and unidentified perpetrators in carrying out their professional duties, and in some instances, there were reports of journalists being physically abused, abducted, and on some occasions killed, by ISIL and other armed groups and unidentified perpetrators.

During the reporting period, at least five journalists and media workers were killed, ten wounded and three were prevented from carrying out their professional duties and one out of them was deported. At least one female journalist was abducted. Media professionals were targeted in Baghdad, Ninewa, Kirkuk, Dohuk and Erbil governorates. Three of the journalists were killed while covering military operations in Mosul.

On 14 August, a Kurdistan TV cameraperson was killed and a reporter from the same channel wounded reportedly by ISIL sniper fire as they were covering the ongoing battle between the Peshmerga and ISIL along the Khazir and Gwer frontlines in Ninewa Governorate. On the same day, a foreign reporter working with the Rudaw TV was also reportedly wounded whilst covering fighting in the same area. ISIL reportedly shot at the vehicle of the reporter, which resulted in him suffering minor injuries.

On 20 October, at least six journalists were wounded on the frontline were targeted by ISIL and in one incident, hit by a roadside bomb. Among them, two journalists wounded in Nawaran, a sub-district of Bashiqa District, Ninewa Governorate, when an ISIL fighter driving a vehicle laden with explosives targeted Peshmerga forces and a TV crew from the Kurdish Speda TV channel. Two more journalists working for the WAAR TV were reportedly wounded by a roadside bomb, in Tilkef, north of Mosul city. One journalist working with al-Forat TV was wounded by an ISIL mortar shell whilst covering the ongoing Mosul operation. The same day, a journalist working with al-Iraqia TV was wounded by an ISIL sniper in al-Hamdaniya district, Ninewa Governorate.

On 17 November, a K24 TV cameraman was reportedly wounded by a rocket fired by ISIL targeting the ISF in Tahreer neighborhood of Mosul. On 26 November, a journalist working with the Popular Mobilization Unit's (PMU) War Media Cell was reportedly shot and wounded by an ISIL sniper in Talafar city.

On 21 October, a reporter of Iraqi public broadcaster Turkmeneli TV was killed in Kirkuk city. On 22 October, a cameraman for Iraqi satellite channel, Al Sumaria TV was shot and killed near Mosul. The

United Nations³⁹ condemned the killing of both media persons and called on all parties to respect the civilian status of journalists in conflict situations covering fighting around Mosul and Kirkuk.

On 6 December, in Uroba neighborhood, eastern Kirkuk city, unidentified gunmen, riding a vehicle shot and killed a 48 year old journalist, news editor and manager of Baba Gurgur radio station. This radio station belongs to Iraqiya Media Network and broadcasts in Arabic, Kurdish and Turkmen.

At least three journalists were barred from carrying out their professional duties and one of them, a foreign journalist, was arrested and later deported. On 19 October, the Kurdish *Asayish* expelled an al-Jazeera correspondent based in Erbil. The *Asayish* sent an official note informing the media outlet that he was barred from working in Erbil because of his twitter feed that was allegedly “sectarian, anti-ISF and against the military operation in Mosul”. On 28 October, the ISF reportedly expelled an al-Arabia al-Hadath TV journalist covering the Mosul operation from the front line, accusing him of fabricating stories on Rutba (in Anbar Governorate) and on the Mosul Operations.

On 28 October, a correspondent for Al-Hurra Iraq channel, which broadcasts from Washington D.C., reported on an incident where gunmen broke into Basra military airport wearing military uniforms and using military vehicles in the operation. They stole large generators and supplies with a reported value of 7 billion IQD. Some of the gunmen were later arrested. Despite the incident being confirmed by authorities, including from the Basra Security Committee, some of these officials later denied their confirmation. Then began a campaign of intimidation on social media against the journalist, including death threats.

On 7 November, a Japanese freelance journalist covering the fighting in Iraq was reportedly detained by the Kurdish authorities. The Kurdistan Security Council (KSC) issued a statement confirming the arrest of the journalist by the Peshmerga near Zirtik Mountain in Bashiqa sub-district of Mosul district, reportedly on charges of cooperating with ISIL. The KSC reportedly announced that the journalist would be deported and handed over to the Government of Japan. The journalist was reportedly deported on the same day.

On 26 December, a female journalist was abducted, allegedly by unknown gunmen, from her residence in Saydiya area, southern Baghdad. The abductors also reportedly took away personal belongings and the car of the journalist. On 27 December, the Iraqi Prime Minister asked security agencies to exert maximum efforts to try to free the abductee and asked for the perpetrators to be brought to justice. UNAMI condemned the abduction, called on those responsible for holding the journalist to release her and for the authorities to investigate the matter and bring those responsible to justice.⁴⁰

8.2 Freedom of Expression in the KR-I

On 13 August 2016, Mr. Wadat Hussein, a correspondent with Rozh News agency in Dohuk Governorate, was abducted by unknown individuals. His body was found the same day at a roadside near Dohuk, with clear marks of torture. The General Directorate of Police established an investigation committee consisting of three high-level police officers. On 15 August 2016, UNAMI/OHCHR addressed the KRG with a letter concerning the case of Mr. Hussein. UNAMI/OHCHR requested the KRG to take urgent action and to implement concrete measures to stop any intimidation, restrictions or attacks against journalists and media workers and to prioritize their safety. UNAMI/OHCHR emphasized the necessity that the investigation into Mr. Hussein’s murder be prompt, independent and transparent, and asked the KRG to inform UNAMI/OHCHR of any

³⁹ <http://www.uniraq.org/index.php?option=com_k2&view=item&id=6255:director-general-deplores-killing-of-two-media-workers-ali-resan-and-ahmet-haceroglu-in-iraq&Itemid=605&lang=en> accessed 5 March 2017.

⁴⁰ The journalist was subsequently released unharmed on 3 January 2017.

developments in the investigation and its outcome. As of the date of reporting, there was no progress in the identification of perpetrators.

During the reporting period, protests took place in KR-I particularly in Sulaymaniah to voice demands for social equity, including payment of salaries of civil servants. The protests mainly occurred in Sulaymaniyah and Halabja governorates, as well as in the Raparin and Garmyan administrations. They were initially composed mostly of striking teachers, but joined at various times by other public employees.

The protests were largely peaceful but resulted in some arrests and violence, including attacks against the striking teachers and their leaders. Of particular concern, there was a spike in the number of complaints from journalists that security personnel were wrongfully interfering with their work, including by seizure and destruction of equipment and physical violence. Violence against demonstrators and interference with the media raised concerns about the right to assembly and freedom of expression, as well as the freedom of the press.

UNAMI/OHCHR continues to advocate for the unrestricted operation of media, irrespective of political party affiliation. UNAMI/OHCHR notes that restrictions were imposed without consideration for the rule of law and the applicable international and national legal framework. The Journalism Law provides for the protection of journalists and media workers in KR-I against interference in their work.⁴¹

On 11 October 2016, the KRG Council of Ministers adopted a Regulation on the implementation of the 2013 KR-I Law on Access to Information, as requested by Article 21 of this Law. This Regulation has to be approved by the Shura Council, and will enter into force following its subsequent publication in the Official Gazette. The KR-I Independent Board of Human Rights, which is mandated to oversee the implementation of this Law, cited the lack of the relevant Regulation as one of the main reasons preventing the satisfactory application of the Law.

Advocacy

UNAMI/OHCHR continued to advocate bringing the draft Law on 'Freedom of Expression, Assembly and Peaceful Protest' into compliance with relevant provisions of international legal standards that are binding on Iraq. UNAMI/OHCHR has reviewed and formulated its position and recommendations on the draft law and shared them with the Speaker of the Council of Representatives (CoR), the heads of the parliamentary political blocs and with the parliamentary committees. On 09 August, UNAMI/OHCHR briefed the head of the Parliamentary Human Rights Committee (PHRC) on its position on the draft Law.

On 22 August, UNAMI/OHCHR organized a briefing for Iraqi Civil Society Organizations (CSOs) on the draft Law on 'Freedom of Expression, Assembly and Peaceful Protest'. An outcome of this advocacy was that the Speaker of the CoR referred the draft Law, for revision and further consultation to the four parliamentary committees: the Culture and Media Committee, the Human Rights Committee, the Legal Committee and the Endowment and Religious Affairs Committee in order to solicit wider inputs from stakeholders. Advocacy and follow-up on this draft Law is still ongoing.

UNAMI/OHCHR reviewed another draft Law on 'Anti-Discrimination and Protection of Diversity' and shared its position with the Speaker of the CoR and with the Chairperson of the PHRC. Advocacy and consultation with various Iraqi stakeholders is on-going.

⁴¹ Article 7 stipulates that any intimidation or attack against a journalist shall be punished. Article 8 states that no arrest or interrogation shall be made with any journalist or his work premises or private residence searched without a court decision.

On 24 August, UNAMI/OHCHR held briefing session on transitional justice, for the members of the PHRC, in Baghdad. The main objective was to brief the members of the PHRC on the need for transitional justice and community reconciliation in Iraq. UNDP also participated in the briefing.

9. Institution/capacity building

UNAMI/OHCHR conducted twenty-eight human rights and rule of law capacity building/promotional activities⁴² in eleven Iraqi governorates⁴³, from July to December 2016. Some 1413 persons (1034 males and 379 females including 19 boys and 16 girls) directly benefited from the capacity building/promotional activities carried out during this period. The participants included human rights activists, journalists, members of the IHCHR and the Kurdistan Independent Board of Human Rights (IBHR), senior judicial and law enforcement officials, prison officials from the Government of Iraq (GoI) and from the Kurdistan Regional Government (KRG), members of the provincial councils, officials from various GoI and KRG ministries, members of diverse ethnic, religious and linguistic communities, women's rights activists, teachers, persons with disabilities, academicians, youth leaders, health workers, rural women and young bloggers. A selection of the activities undertaken is presented below.

Support to the Iraqi High Commission for Human Rights

UNAMI/OHCHR continued providing technical support to the Committee of Experts (CoE) tasked with selecting a new batch of Commissioners for the Iraqi High Commission for Human Rights (IHCHR). As a member of the CoE, UNAMI/OHCHR continued attending regular CoE meetings and providing guidance on the selection process, within the framework of the national and international standards, and also continued providing technical assistance to the Secretariat of the CoE. The selection process is still on-going.

UNAMI/OHCHR started providing technical assistance to the newly-formed Parliamentary Committee tasked to re-organize the IHCHR Secretariat. UNAMI/OHCHR in collaboration with the United Nations Office of Project Services (UNOPS) completed the hiring process of a consultant in December who will start his functions from January 2017.

Capacity building activities carried out in Baghdad

UNAMI/OHCHR coordinated and implemented 15 capacity building trainings in Baghdad and in South Central Governorates, for various interlocutors, including, the representatives from the CSOs, human rights activists, young bloggers, journalists, law enforcement officials, and health workers etc.

On 13 December, UNAMI/OHCHR held one a day training, in Baghdad, for journalists, members of CSOs and human rights activists on protection of civilians during armed conflict. Twenty participants, including seven females, attended the training. The main objective of the training was to build capacities of journalists, human rights activists and CSOs on protection of civilian as it pertains to their monitoring, reporting and advocacy work.

Capacity building activities carried out in South Iraq

UNAMI/OHCHR conducted three capacity building/promotional activities in southern governorates and also participated in trainings organized by other UN partners on issues such as related to protection of civilians.

⁴² Baghdad HRO held and coordinated 15, Erbil HRO held and coordinated 10 and Basra HRO held three capacity building/promotional from July to December in 2016.

⁴³ Baghdad, Wasit, Najaf, Diwaniya, Karbala, Babil, Basra, Muthana, Erbil, Halabja and Sulimaniyah

On 7 and 8 September, UNAMI/OHCHR Basra conducted a two-day training workshop in Samawa, al-Muthana governorate for participants from the IHCHR and local government authorities. The training included an introduction to human rights: international norms and concepts, the Iraqi legal framework relating to human rights, international humanitarian law, the rights of minorities, women's and children's rights, and monitoring prisons and detention centers.

On 17 and 18 October, UNAMI/OHCHR conducted a two-day training workshop in Basra city for staff from different government institutions who provide services to the IDPs housed at the 5 Mile Collective Center on the outskirts of Basra. HRO provided training on relevant human rights norms and standards.

8.2 KRI Capacity Building

UNAMI/OHCHR held ten capacity building/promotional activities in various parts of the KRI. These activities included a two days specialized course on "the United Nations Human Rights Protection System" for the staff of the Department of Foreign Relations on 27 and 28 July. The training course focused on enhancing understanding of the applicable international legal framework for promoting human rights and the protection of civilians, particularly in the current non-international armed conflict, as well as the role of the relevant UN agencies working in the KR-I.

UNAMI/OHCHR conducted two training courses, in September and November, in Erbil and Sulaymaniyah for police officers of the KRG Community Police Directorate, focusing on the interaction between the community and law enforcement personnel through policing strategies and practices based on human rights standards, and in particular gender sensitivity and awareness.

UNAMI/OHCHR in coordination with the KRG Directorate of Non-Governmental Organizations in the Council of Ministers, organized a round-table forum for representatives of 40 NGOs to learn about the requirements and procedures for obtaining consultative status at ECOSOC.

UNAMI/OHCHR in collaboration with the Provincial Council of Ninewa, CSOs and youth leaders, held two training courses on 5-6 and on 11-12 November, on community reconciliation and social cohesion. Representatives from CSOs and youth leaders from Ninewa Governorate attended the trainings. Sessions on accountability and reconciliation principles were conducted during the training. The training courses aimed to enhance networking among the youth from different areas of Ninewa Governorate, with emphasis on conflict prevention and building the capacity of communities for peacebuilding in the immediate aftermath of liberation of Ninewa.

UNAMI/OHCHR, on 26 December, in coordination with the KRG Ministry of Education (MOE), the IBHR, and the Ministry of Endowment & Religious Affairs, organized the final meeting of the steering committee formed to review the curriculum of religious education and knowledge of religions for secondary education in the KR-I. The committee finalized its conclusions, recommendations and comments on the development of the curriculum. Members from UNAMI/OHCHR and representatives of the steering committee presented the steering committee's findings to the KRG education Minister, for his review and further consideration.

UNAMI/OHCHR on 13 December launched a booklet containing the nine core UN human rights treaties translated into the Kurdish Sorani language – the first ever such compilation of international human rights treaties in the Kurdish Sorani language.

UPR and UN human rights mechanisms

UNAMI/OHCHR on 20 to 22 December, conducted a specialized training course on "Universal Periodic Review and UN Mechanisms for the Protection of Human Rights" in Sulaymaniyah for representatives of CSOs and the IBHR. The training course focused on UN mechanisms, principles and legal frameworks, in particular with regard to UPR: the process of UPR, recommendations, the

creation of a body to follow-up and monitor UPR, the development of an implementation action plan by a government, and the role of CSOs in the process, including shadow reports.

Completing the UPR Regional Plan of Action

UNAMI/OHCHR on 24 November, organized the Expert Meeting on UPR, under the auspices of the KRG Department of Foreign Relations and in coordination with the IBHR. The Expert Meeting completed the drafting of a UPR Regional Plan of Action, to be adopted by mid-December. The plan addresses the implementation of recommendations from the 2014 UPR that apply to the KR-I, as well as the role of the KR-I in the next cycle of UPR for Iraq as a whole.

Abbreviations

AAH	Asa'ib Ahl al-Haq militia
BBIED	Body-borne improvised explosive device
CCCI	Central Criminal Court of Iraq
IED	Improvised explosive device
IDP	Internally displaced person
IHCHR	Iraqi High Commission for Human Rights
IOM	International Organization for Migration
ISF	Iraqi Security Forces
ISIL	Islamic State in Iraq and the Levant
KR-I	Kurdistan Region of Iraq
KSF	Kurdistan Region of Iraq Security Forces
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PKK	Partiya Karkeren Kurdistan/Kurdish Workers' Party
PMF	Popular Mobilization Forces
SVBIED	Suicide vehicle-borne improvised explosive device
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNHCR	United Nations High Commissioner for Refugees
VBIED	Vehicle-borne improvised explosive device
YPG	Yekîneyên Parastina Gel

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