Iraqi Kurdistan

Exacerbating Crises and Stolen Rights

The Euro-Mediterranean Human Rights Monitor

October 2020
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Background on the Iraqi Kurdistan region

It is an Iraqi Kurdish region in the north of Iraq with Erbil as its capital. The population of the region is more than 5.8 million, distributed over 83,643 km² with a total of four governorates: Dohuk, Erbil, Halabja and Sulaymaniyah. After years of battles between the Iraqi government and the Kurdish opposition, on March 1970, an agreement was reached, where the region was established. In October 1991, the Kurdistan region became autonomous after Iraqi forces withdrew from it. However, the ruling Kurdish parties did not declare independence. Therefore, the region is still part of the state of Iraq.

On October 2005, the Iraqi state ratified its new constitution. The constitution applies to the Iraqi Kurdistan region, for it is a federal entity in
Iraq. Arabic and Kurdish languages became the official languages in Iraq. The Iraqi Kurdistan region enjoys a democratic parliamentary governance as the government is the operational authority of decisions taken by the Kurdish National Assembly (parliament). While Nechirvan Barzani is the current president of the region, Masrour Barzani is the Prime Minister of the region.
Introduction

The security forces of the regional government faced the demonstrations with extreme violence. They used live bullets and tear gas to disperse the protesters, killing five of them and wounding more than 70 others, and arresting more than 150.

The popular protests began following the accumulation of crises the region has been witnessing for years, especially at the economic level, which
“Corruption mafias are ruling the region. With their corruption, they have distorted all aspects of political, security, and economic life in the region. This corruption not only wasted billions of dollars of public wealth, but also resulted in flooding the region’s economy with domestic and foreign debts and loans. So, this is what motivated us and pushed us to fight corruption in all directions. The Kurdistan Regional Government of Iraq is in no way capable of confronting corruption and carrying out reforms because big part of it is involved with corruption”.

Yousef Muhammad – former Speaker of the Parliament of the Kurdistan Region of Iraq activist

multiplied after the spread of the Coronavirus COVID19-. The local Peace and Freedom Organization said that the unemployment rate has seriously risen due to the Coronavirus from %20 to %44 and the number of workers laid off from work during the spread of the pandemic reached 200,000. In addition, several industrial sectors were almost completely shut down, such as cement factories in which about 4,000 out of 5,000 workers lost their jobs as a result of the shutdown.

The repercussions of the pandemic are not the only manifestation of the crisis. For years, the government launched an austerity plan under which it deducted between %30-%10 of salaries. These austerity plan failed to address the economic dilemma plaguing the region in light of problems
with the federal government in Baghdad and the increasing corruption and the concentration of wealth in the hands of a limited group of officials. Poverty rate witnessed a remarkable increase in the region, which, according to Kurdistan Regional Statistics Office, increased from 3.5% in 2012 to 5.5% in 2018 (No further update has been issued since then). Poverty rate coincided with a significant increase in suicide rates as one hundred people committed suicide in 2017 alone, in addition to a high increase in the number of young people migrating to Europe illegally.

The recent demonstrations during the months of May and August of this year cannot be viewed in isolation from the deep crisis affecting the region. After the decline in oil revenues due to the decrease in its global prices, the austerity plan that followed deepened the crisis and contributed to further deterioration of economic conditions.

Journalist Renoir Najm told the Euro-Med Monitor:

“State employees’ salaries are being delayed for too long. They received the salary of March in late August. This delay leads to a deterioration of the employees’ living conditions and the accumulation of debts on them. This situation is accompanied by an increasing suppression of any protest to reject the way the government handles the situation, to the point that some teachers were arrested on the basis of posting posts on Facebook demanding their salaries”.
Soran Omar, a member of the Kurdistan Parliament revealed that the government spent 50$ billion in the period between 2019-2014 without any oversight. He said: “The huge funds disbursed by the Kurdistan Regional Government – amounting to 50$ billion – during the period between -2014 2019 has not been subjected to any kind of oversight or auditing and there were no spending records of any kind. And, all oil, gas, customs, fees, and trade revenues are under the control of influential parties”.

Murad Kurdistani, Director of Future Policy Center, told Euro-Med Monitor:

“The concentration of power in the hands of a few and the family hereditary rule in the main areas of the region has led to the spread of financial and administrative corruption. Misusing power for personal interests has dried the region's main resources. Parties have commercial companies through which they monopolize the region's wealth. Until now, it is not known where oil and border crossings revenues go. This has led to successive economic crises that have negatively affected citizens. These resources were exploited to increase the power of these parties to force their agendas. For example, main parties finance 400 different media outlets and partisan media occupies most of the space in the region”.
In this report, the Euro-Mediterranean Human Rights Monitor aims to provide a legal framework for the authorities of the Kurdistan region of Iraq’s practices in dealing with peaceful protesters in the region. The report focuses on the details of the violations that protesters and journalists have been exposed to and continue to face, including arrests and various violations of local and international laws, and highlights testimonies of victims of these violations.
Numbers and statistics about Iraqi Kurdistan crisis

The poverty rate increased from 3.5% to 5.46%.

The unemployment rate has reached 44%.

The tourism sector losses amounted to about half billion dollars.

Public debt of the region amounted to $28 billion.
Arrest of peaceful protesters

Following the demonstrations that broke out in various regions of Iraqi Kurdistan during May and August of 2020, and according to interviews conducted by our field research team, the number of civilians who were arrested reached more than 200, without any legal basis.

“In one of the demonstrations, the number of participants was about 100, about 70 of whom were arrested, which indicates that the government forces are harsh when it comes to dealing with the protesters,” says journalist Renoir Negm.
lawyer Khattab Omar said in an interview with Euro-Med Monitor:

“In Dohuk Governorate, some civilians were arrested without any legal basis or charges. They were tortured and threatened, and some of them were forced to sign pledges not to publish anything related to the current conditions, and to not undertake any civic activity about claiming their rights”.

Khattab said that the security forces stormed the homes of a number of protest organizers, arrested them along with others at checkpoints. In his testimony on what happened with activists Farouk Omar (his brother) and Jankeer Hussain, Khattab said:

“On August 2020, activist Farouk Omar, 32, left his home on his way to Dohuk to work. On the way, he was arrested at a security checkpoint belonging to the Asayish (Internal Security Forces) in Zakho district. He was imprisoned in a small room that accommodates one person without any charge a court approval. He was physically and verbally assaulted. His cell did not have a toilet and smelled stench. Fresh air couldn’t enter the
cell except from under the door, which caused Farouk to lose consciousness and his brain was affected.

On August 2020, 23, I went to the court [as his attorney] official letter to assume my job, but the Asayish, for unknown reasons, did not give me the permission, bearing in mind that they were ordered by the investigating judge to allow me to see my client. After serious attempts for two days, I still could not see my client. On Monday August 2020, 24, at 9 pm, we were contacted by the Zakho Emergency Directorate informing us Farouk is in a critical condition and he is in the hospital. When I arrived at the hospital, I found him in a critical condition. He was unable to breathe and his kidneys were about to stop functioning because they had not been giving him water or food throughout the duration of his stay in prison, according to the doctor’s report.

After six hours of treatment he woke up from his malaise and the first thing he said was “Take care of the other detainees because they are in a tragic situation”. After that, he fainted again and did not wake up until the next day. He had difficulty speaking because they did not give him water or food, and he did not breathe fresh air for two days. He was subjected to physical and psychological torture. When I checked with the Legal Division about the reason for his arrest, they told me that they had no idea about his case, and that he was not arrested under a judicial order and that he is not charged with anything.
Farouk Omar’s medical report

Iraqi Kurdistan... Exacerbating Crises and Stolen Rights Crises
According to the statements of the Legal Division, the arrest was cruel, and it was a mistake and they apologize for it. We do not see it as an excuse to turn a blind eye to what happened, which violates laws, human rights rules, Iraqi constitution, and regulations in the Kurdistan region. What happened is a violation to laws and an insult to sovereignty of the court. Day after day, Farouk’s mental health worsens because of what he has been subjected to. When we ask him a question, his answers are unrelated to the question. Doctors say that what happened to his kidneys will affect his health in the future.

Regarding the arrest of activist **Jankeer Hussain** Jankeer, Khattab said: «On August 2020, the Asayish forces stormed Jankeer’s house in Zakho district and arrested him without any legal basis, after he made a video calling for participation in demonstrations on the same day.

Later, he was transferred to a prison run by the Asayish, and he was placed in solitary confinement under harsh conditions, where he was deprived of drinking water, which caused him kidney problems. He was subjected to physical and psychological torture repeatedly.
He remained in prison for nine days where they interrogated, tortured and asked him to confess that he was inciting people to take to the streets and start acts of violence and sabotage, but he refused”.

Euro-Med Monitor team obtained a medical report confirming that Jankeer had suffered health complications as a result of the treatment he received during the arrest. He was released on bail on August 2020, 30.

As part of the continued violations, political activist Samira Karim and her son, Halo Sami Mohamed, were arrested in August 2020. Euro-Med Monitor’s field monitoring team conducted an interview with a relative of the detainees who said:

“Samira Karim, 56, has been known for her political activism for a long time, as she belongs to the Free Kurdish Women Movement, ...
which is officially licensed in the region, and she served as a member of the organization’s council twice. At 8:30 am, on August 2020, Samira and her husband Sami were arrested from their home without an arrest warrant. They were transferred to the Erbil Security Center, and during the period of detention, Sami stayed with his wife for six hours. He was released because he was not wanted by the security authorities, while his wife remained in detention without any legal basis.

After reaching out to several parties about the reason of the arrest, they told us that her charge is communicating with the PKK. Others said that she is being held in the women’s prison, but there is not any official source for this information.

A decision was issued to release Samira on September 2020, but this decision was not implemented until October 6, when she was released on a bail of 5 million Iraqi dinars (4000$ US).

As for the arrest of Halo Sami Rahman Muhammad, 33, he said: “On August 2020, Halo went out to Souq al-Qala’a in the governorate of Erbil and chanted for freedom of his mother Samira after her arrest and recited a poem calling for freedom. It is worth mentioning that he is not affiliated with any political party.”
Afterwards, the local police arrested him and handed him over to the Asayish forces. Since then, nothing is known about him”.

In an interview with Euro-Med Monitor, Journalist **Niaz Abdullah** spoke about the kidnapping of journalist Sherwan Sherwani, «He was kidnapped from his house on the evening of Wednesday, 7 October, 2020 by an unknown security force. They searched his house and confiscated all the electronic devices that he owned after locking up his wife and children in the kitchen. He was taken to an unknown destination without any legal basis or reasons for his arrest. Sherwan was known for criticizing the authorities in the region, especially in terms of corruption and tribal rule. He was previously arrested because he stated his intention to participate in a peaceful demonstration”.

In another interview with a member of the Kurdistan Parliament, **Kawa Abdul Qadir**, he said: “On August 2020,22, while I was participating in a demonstration in the city of Erbil, rejecting governmental
policies in dealing with the Coronavirus pandemic, especially the economic policies and not-paying the salaries of employees, the security forces beat me in several places on my body despite their knowledge that I am a member of Parliament and that I enjoy parliamentary immunity according to the Parliament›s bylaws.

The situation has become dangerous. Violations in the region have become increasing recently, and it has not been limited to activists at demonstrations but has also targeted members of parliament, trade unionists and, journalists”. 
list of those who were arrested

Euro-Med Monitor obtained a list of the names of some peaceful demonstrators who were arrested because of participating in the protests, some of them were released, and others are still in the prisons of the regional government.

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Violations against the media and journalists

The freedom of press work in the Kurdistan region of Iraq is facing many violations aimed at undermining freedom of expression and preventing journalists from practicing their work normally, especially during times of crisis that witness protests against the ruling authority. The region is still witnessing widespread violations that hinder the work of journalists and clearly affect freedom of expression despite enacting the Press Work Law in 2007. In a report prepared by the Kurdistan Journalists Syndicate, which monitor violations committed against journalists between 2018-2008, violations reached 1580, of which 1460 were against male journalists and 120 were against female journalists. In 2020, according to the Metro Center for
Journalists Rights and Advocacy, during the first half of the year, the region witnessed 98 violations against journalists, as follows: 53 bans of coverage, 5 threats, 7 f arrests outside the Press Work Law, 8 assaults and beatings, 9 arrests without a judicial warrant, 11 confiscations and destruction of press equipment, 3 electronic jamming, 2 harassment incidents against female journalists at media institutions.

With the recent protests in the region, violations against journalists have resurfaced, including coverage bans, confiscation of equipment, arrests and closure of media outlets.

• Dohuk

The security forces seized the offices of NRT Satellite Channel in the governorate and arrested all its staff, according to a news report published by the channel on its website.

Tayef Koran, the correspondent of NRT in Dohuk stated in a statement to the Press Freedom Advocacy Association that the security forces raided the channel’s headquarters in Dohuk at 10 am on Wednesday, August 12 2020, and left it at 6:30 pm after arresting five office workers, two reporters, a cameraman, a Monteur, and a driver.

In addition, the security forces prevented media coverage of any protests in the city and its districts, as they tightened their grip on the freedom of press work in a clear way, in contravention of international rules and laws that protect this right.
Many journalists from the city are still detained until the date of writing this report, on top of them Farouk Omar, who suffers multiple health complications as a result of the inhuman conditions of his detention.

**Erbil**

Erbil security forces attacked seven media crews, where the majority of violations targeted NRT channel staff.

**Muhammad Amer Bashir**, NRT channel reporter, stated on Wednesday, August 12th 2020, while he and his colleague, Koran Abdel Khaleq, were transmitting a live broadcast on the demonstration square in the city, two security forces vehicles stormed the place, confiscated their press equipment, and took them to a nearby police station, where they were detained for several hours.

On the same day, at 4:20 pm, as **Khalid Muhammad**, another NRT channel reporter, finished a live broadcast covering the demonstration, a security force of four people arrested him in Koysinjaq town and kept him in the city Security Directorate detention center for four hours.

In Koysinjaq, Hazar Rashid, from sibeiy website of Gorran Movement and Ahmad Saifuddin, NRT channel cameraman, were arrested in the district headquarters for four hours.

On Wednesday August 2020,12, **Mohammed Khalil Shawani**, another NRT channel cameraman, was arrested in front of Shanadar Park in the center of...
Erbil, where the demonstrators were supposed to gather at 5 pm. Then, he was released at midnight.

Hirsch Kadir, NRT channel reporter, confirmed that while they were covering the demonstrations, security forces followed him and his cameraman, Soran Ahmed. Fearing detention, they had to hide and leave the demonstration square.

A security force attacked the media crew of Payam channel that is affiliated with the Kurdistan Islamic Party. Imran Amir, the channel reporter said in a testimony to the Press Freedom Advocacy Association in Iraq that he and his two cameramen, Abdul Muttalib Khoshoy and Yunus Abdullah, were subjected to harassment after the security forces interrupted the live broadcast and confiscated their equipment.

• Sulaymaniyah

During the protests that sparked at the beginning of June 2020, a significant number of violations were committed against journalists. According to the Metro Center for Journalists Rights and Advocacy, security forces arrested Spedah channel media crew Yadkar Haji and Aryan Bakr in the centre of Sulaymaniyah market. Yadkar Haji said: “Before they arrested us, one of the Asayish officers told me: “If you do not leave, I will put the shoes in your mouths”.

He added, “The security forces verbally assaulted and insulted, screamed and arrested us, taking us to the Asayish headquarters in Sulaymaniyah.
Three hours later, they released us; however, they confiscated all our press equipment, including cameras and storage memories and deleted what has been recorded”.

Similarly, the security forces attacked NRT channel media crew several times. Ihssan Saber, the channel’s reporter stated that “While providing a live coverage of the demonstrations, a security forces member asked me to leave the place of the demonstration and not to cover anything, which I refused. As a result, they attacked me and the channel crew using electric sticks and beat us with their hands and feet”.

The security forces attacked the correspondent of the “Sibeiy” website Priyar Namiq with electric sticks, and severely beat the photographer of the site Iaram Shehab, which caused him sever wounds and he was taken to hospital for treatment.

The reporter of the Rose News Agency, Muhammad Hassan Ibrahim, was injured in the renewed demonstrations in the late of August at Ranya district in Sulaymaniyah. He was gunshot in his back resulting in light wounds while covering the demonstration.

In a related context, journalists in the region are subjected to various violations, including the banning of coverage, confiscation of press equipment, and threats of assault and execution. The Euro-Med Monitor’s research team conducted an interview with Niaz Abdullah, a journalist and a human rights activist who was subjected to various violations in the past years said:
“Influential people try to impose restrictions on the freedom of the press in various ways, including the daily threats of assault and extortion, bringing cases in courts, confiscation of press equipment, and arbitrary arrest and detention. They disregard the Press Work Law and resort to other laws. That is a breach of legal principles, which stipulate that “Specific provisions override the general provision”. In other words, when there is a law specific to the press work, no other law should be applied to journalists as long as evidence is relevant to the Press Work Law.”

Niaz added that she was subjected to various violations, the last of which was in 2018 when an altercation between her and the security forces took place at the demonstrations. Later, she was threatened of execution. Her close friends advised her to take special care of herself.
Detention centres and prisons in the region operate under difficult conditions and fail to meet the public safety requirements, especially at the time of the Coronavirus pandemic which requires taking precautionary measures particularly among the prisoners to prevent the spread of the infection. In light of this, Euro-Med Monitor's team met Muhammad Maruf Nuri, the director of the anti-torture programme at the Arab World Center for Democratic Development. He stated:
Euro-Med Monitor’s team met a group of detainees, who revealed the worsening situation inside these centers and how they lack the basic precautionary measures to prevent the spread of COVID-19.

In an interview with Hayman Mamend Had, a journalist and an activist, said: “I was arrested twice during the COVID-19 pandemic crisis. The first time was on March 10, 2020, at 10:30 pm. About 20 security vehicles and 100 security personnel stormed my house to arrest me for criticizing the authorities’ performance in fighting the COVID-19 pandemic. They used the pandemic as an excuse...”
to impose restrictions on political activists amid the absence of proper handling of the economic situation.

I was detained at several security centers [for short periods of time] before I arrived at Al-Mahatta Central Prison on the Mosul Road in Erbil. During the deportation period, despite the COVID19 outbreak, there was no respect for health standards such as wearing masks, using sanitizers, social distancing where we were moved in an overcrowded vehicle. When I arrived, I was placed in a room measuring about 5x10 meters with 50 other prisoners convicted of serious felonies such as murder, rape, and, abuse.

Health requirements were not adequately met. We used to share the same bathroom. We were not provided with any sanitizers or hygiene tools. Throughout my detention, I was deprived of exposure to sunlight, causing me skin health problems which I still suffer from until now. Being a political prisoner, I was deprived of contacting my family unlike other prisoners.

On April 2020,5, I was released on bail. The next day at 1 am, however, security forces stormed my house and arrested me for the second time in front my mother. Once again, I was detained in several detention centers then moved to Al-Mahatta prison with the same conditions I suffered from during the first arrest, despite the spread of the pandemic. I was denied contacting my family or being exposed to sunlight. On April 2020,28, I was released on bail. In both times, I paid an amount of 30 million dinars (25,000$ US). My bail bondsmen are daily subjected to harassment. Being threatened and arrested several times, in May, 2020, I left my city and went to Sulaymaniyah.”
In another interview with 35-year-old human rights activist Siran Muhammad Mahmoud, who was arrested during the COVID-19 pandemic crisis, and who tested positive herself for the virus, she stated: “On August 2020 22, I was in Erbil city, where I was arrested by unknown group of people, wearing plainclothes. They masked my face and told me they wanted me for a short time for investigation. I was taken to a place I do not know, where an unknown party interrogated and told me to stop criticizing the authorities. Then, I was taken to one of the Asayish centers in the city, where I told them I suffer all the symptoms of COVID-19. However, I did not receive any help from the officials there. During my transfer, they did not respect the health measures to prevent the spread of the coronavirus.

I was transferred to women and juvenile prison, where I was kept in a room that measures 5x 6 meters with 29 other women and 18 children. Some of them were female criminal prisoners, who stayed with political activists in...
the same place. More than once, I told the prison officials that I suffer from COVID-19 symptoms; however, they never dealt with the matter seriously. I have not received any health care and have not been quarantined in order not to infect others.

During my detention period, I was exposed to sunlight only once, and the ventilation inside the room was very poor. I was only allowed to make a three-minute call. On August 2020, I was bailed out with 8 million Iraqi dinars (6,500$ US). Still, I live under serious pressure and fear, for I am watched by the security services, which means I might be arrested again.”
Legal Background

Domestic laws in Iraqi Kurdistan and international laws prohibit all violations by security forces against peaceful demonstrators, whether those against press work and journalists or freedom of opinion and expression, including arrests, torture, and inhumane treatment. This is clarified by legal provisions in domestic and international laws as follows:

• Freedom of opinion and expression

Article 19 in the International Covenant on Civil and Political rights stipulates that “Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In domestic laws, freedom of expression and the right to peaceful assembly are guaranteed. Particularly, in the Iraqi Freedom of Expression, Assembly and Peaceful Demonstration Law, Article 10 stipulates that “Iraqis have the rights to demonstrate peacefully to express their opinions or demand their rights.”

Article 11 of the same law stipulates that “Security authorities are responsible for protecting participants in demonstrations and assemblies if they are organized in accordance with the provisions of this law. It is prohibited for
the authorities to use force to break up assemblies or demonstrations except when they undermine security or cause damage to persons, property or funds.”

• **Freedom of the Press**

Press Law in the Kurdistan Region, which was issued in 2007, granted press work the full freedom, in which Article 2 stipulates:

“First: The press is free and no censorship shall be imposed on it. Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and the privacy of individuals in accordance with the law, as well as being committed to the principles of ethics in the Bordeaux Declaration of Principles on the Conduct of Journalists, adopted by the 1954 World Congress of the International Federation of Journalists, amended in 1986, and annexed hereto.

Second: A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest.

Third: In case of a legal suit, a journalist may keep secret the sources of information and news relevant to the suits brought before the courts unless the court decides otherwise.

Fourth: Every natural or legal person shall have the right to possess and issue journals in accordance with the provisions of this Law.
Fifth: No journal shall be closed down or confiscated.”

Also, attacking journalists in particular is considered a crime as Article 7, in the same law, stipulates that “Anyone who insults or injures a journalist as a result of the performance of his work shall be punished with the punishments decided for those who injure government employees during regular working hours or as a result of the performance of his work.”

Article 8, in the same law, stipulates that “a journalist shall not be investigated or his house be searched for the reason stipulated in paragraph (first) of this article, except in accordance with a judicial decision. The Chief of the Syndicate, or someone acting on his behalf, shall have the right to attend the investigation.”

In the international law, Article 19, in the Universal Declaration of Human Rights, stipulates that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

This Article focused on the interconnection between receiving and imparting. In other words, the standard to enjoy the freedom of the press should be based on these two basic principles:

1. Imparting: the right to impart information, which indicates the level of freedom of the press.
2. Receiving: the right to seek and receive information, which indicates the
level of integrity in the exercise of power.

Article 10 in the European Convention on Human Rights stipulates that “1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.”

Also, Article 9 in the African Charter on Human and Peoples’ Rights stipulates that “1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law.”

- Arrests

The law in Kurdistan dealt with the arrest of persons in unfavorable circumstances as Article 1 in the Law No. 15 of 2010 includes an act for the compensation of those wrongfully arrested and/or convicted in the Kurdistan Region, which stipulates that:

“First: it is prohibited to detain or arrest any person except in accordance with the law and based on a decision issued by the competent judicial authority. Every person has the right to a fair and speedy trial before the competent court.

Second: arrest is only allowed in places designated for that in accordance
with the law. It should be covered by health and social care and subject to government authority. Religious beliefs and ethical principles of the detainee shall be respected.

Third: non-governmental or non-competent governmental body should have a place to detain persons or detain a person under any pretext.”

Also, it is illegal to arrest civilians for 24 hours without any charge as stated in domestic laws, as Article 123 stipulates that “the investigative judge or [judicial] investigator must question the accused within 24 hours of his presentation, after proving his identity and informing him of the offence of which he is accused. His statements on this should be recorded, with a statement of evidence in his favour. The accused should be questioned again if necessary to establish the truth.”

Article 9 in the Universal Declaration of Human Rights stipulates that “No one shall be subjected to arbitrary arrest, detention or exile.”

Article 9 para (1) in the International Covenant on Civil and Political Rights stipulates that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

• Torture

Article 2 in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates that “No exceptional
circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

Article 37 in Iraq’s Constitution, likewise, stipulates that “All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.”

The Iraqi Penal Code considers torture a crime punishable in accordance with the provisions of Article (333) of the Iraqi Penal Code with amendments No. 111 of 1969 which stipulates that “Any public official or agent who tortures or orders the torture of an accused, witness or informant in order to compel him to confess to the commission of an offence or to make a statement or provide information about such offence or to withhold information or to give a particular opinion in respect of it is punishable by imprisonment or by detention. Torture shall include the use of force or menaces.”

• Parliamentary Immunity

Article 2/24, in the Kurdistan Parliament in Iraq, stipulates that “Except in cases of flagrante delicto, MPs may not be prosecuted or interrogated, their residences and offices may not be searched. MPs may not be arrested without prior authorization from the Parliament.”
Recommendations

Based on the above-mentioned testimonies, the Euro-Mediterranean Human Rights Monitor recommends the following:

1. The Kurdistan region’s authorities should immediately stop the arbitrary detention of activists and journalists.

2. Authorities should not bring journalists to court based on other laws. Rather, they should judge them based on the Freedom of the Press Work Law.

3. Authorities should adopt strict measures against those who attempt to intimidate activists and journalists who organizes demonstrations and provide lawful live coverage.

4. Authorities should stop closing media outlets and arbitrarily prosecute media crews without a legal ground.

5. Authorities should improve the circumstances of detention and arrest including meeting the health care requirements, especially during COVID19 pandemic crisis.

6. Authorities should stop arresting civilians without any charge in violation of the law for extended periods of time.

7. The international community should immediately intervene to put an end to violations committed in the region and urge the Kurdistan region’s authorities to respond to civilians’ demands by adopting a practical plan aimed at improving the economic conditions and eliminating corruption at most official institutions.
Exacerbating Crises and Stolen Rights Crises