



OMCT E-Bulletin June 2022

73rd Session of the Committee Against Torture

This E-Bulletin is part of the OMCT's Anti-Torture Programme. The OMCT mobilises and coordinates activities of civil society organisations during the sessions of the United Nations Committee Against Torture (CAT). It facilitates the engagement of civil society by building coalitions, sharing information, ensuring timely and effective report submissions, advising on advocacy opportunities and supporting effective access to the CAT. Find out more about our work on our [website](#).

Iraq

Inhumane Detention Conditions and Lack of Reparations for Victims of IS

During the Committee's review of Iraq's second periodic report, the following issues were focused on: domestic legislation; gender-based and conflict-related violence; counterterrorism; conditions of detention; legal safeguards; and the death penalty.

The Committee noted delays in the adoption of anti-torture legislation and raised concerns over the definition of torture in the draft bill presented by the Ministry of Justice, that is currently awaiting legislative examination. The Committee highlighted that anti-torture legislation needs to respect the absolute and non-derogable character of the prohibition of torture which excludes it from the scope of any amnesty laws.

The Committee praised the introduction of the Yazidi Female Survivors' Law, however, it expressed concern at its slow implementation, and its lack of allocated funding. The Committee members called for enhanced processing of claims and the direct inclusion of women from affected communities in the implementation of the law. They urged the State to make every effort to rescue women still in captivity of the so-called Islamic State in Iraq and the Levant (ISIL). They also called on the State to investigate other claims of gender-based violence, including domestic violence, in a thorough manner. They expressed concern at the existence of mitigating and exculpatory clauses in the Criminal Code for crimes like rape. The Committee asked that the State adopt the draft bill and national plan on domestic violence and amend the Criminal Code in line with the Convention standards.

The Committee recognised the efforts made in investigating and prosecuting crimes committed by ISIL. However, it noted reports of torture, arbitrary detentions, and enforced disappearances by State forces during these efforts. Moreover, the overly broad definition of terrorism leads to juveniles being imprisoned and convicted for mere assumed 'affiliation' to ISIL. The Committee

asked that the Anti-Terrorism Law be brought in line with international human rights standards.

Despite State denial of the existence of torture in detention facilities, the Committee remained concerned about reports indicating the widespread practice of torture and lack of accountability within detention facilities. The Committee noted that detainees often do not lodge complaints due to fear of retaliation. Furthermore, allegations of torture or ill-treatment made in court are reportedly ignored by the judge. The Committee was further alarmed by the government's recorded 461 deaths in custody in 2021 alone. It urged Iraq to address the problem of impunity and adopt measures to ensure accountability in practice for all acts of torture or ill-treatment. Moreover, the Committee asked that the State take measures to ensure that victims of torture and ill-treatment have the means to achieve as full a rehabilitation as possible.

There was also concern at the lack of fundamental legal safeguards. The Committee noted that many detainees have no access to a lawyer from the very outset of deprivation of liberty, and do not get to inform their relatives of their detention. The Committee was further concerned at the situation of juvenile and women detainees. The Committee noted with concern that visits to monitor places of detention are subject to agreement with authorities and civil society are unable to gain access. The Committee asked the State to ratify the Optional Protocol to the Convention. The Committee noted that the sentence of capital punishment continues to be imposed in Federal courts and are being carried out. It also noted allegations of torture and dire material conditions in Nasiriyah Jail, which mostly holds death-row inmates. The Committee urged the State to establish a moratorium and commute all death sentences to alternative penalties.

Issues for follow-up procedure:

- ❖ Criminalisation of torture
- ❖ Fundamental legal safeguards
- ❖ Conflict related sexual violence
- ❖ The death penalty

Read more: [Concluding Observations](#), [Meeting Summary](#) and [webcast](#).