



The Observer Human Rights Center (OHRC)

Submission to the Committee of the Convention against Torture on
“Iraq’s Compliance with the Convention against Torture and Other
Cruel, Inhuman or Degrading Treatment or Punishment”

Iraq’s review in April-May 2022

Convention against Torture

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Iraq

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introduction

The rights of prisoners are a serious legal and social issue, so community organizations in Iraq have been keen to form a specialized organization to defend their rights in accordance with international standards, charters and instruments, it is called the (The Observer human rights center) and is made up of a group of specialized civil society persons. The organization issued its reports in accordance with the treaty mechanism of the CAT Agreement and communicated with its Special Rapporteur, In addition to issuing UPR reports on prisoners' rights.

Summary of the report :

- There are 9 Iraqi southern prisons, And its administration to the Iraqi Ministry of Justice, The application of the Mandela Rules and their availability in prisons and the most important observations of the difference about the conditions of those prisons.
- Detention centers for juveniles, detention and deportation positions and their compliance with legal requirements and international standards, At the end of the report, observations and recommendations were referred to address the situations indicated in the report.

Difficulties in implementing the Convention:

- Although Iraq joined the Convention against Torture and other cruel, inhuman or degrading treatment or punishment in 2008, He continues to report to the Committee, but at JNB we note :-
 - a. Iraq has still not adapted its national and local legislation in accordance with the agreement it has joined.
 - b. National legislation is still not comprehensive in dealing with the principle of impunity, particularly with regard to cultural and community policies and practices.
 - c. It's still a methodology and a thought of "recognizing the master of evidence" where policies and programs have not been developed to limit thinking about it, Many security and judicial agencies working on the investigative side still believe in it, despite the existence of many adverse cases.
 - d. The community expresses concerns about the lack of confidence in the security services, law enforcement and justice by monitoring many cases of torture in detention situations during the investigation.

This report was prepared by a group of local organizations through a group of competent people and is part of the completion of the training programs launched by the Observer human rights center since 2020 and will run until 2024 under the title "Golden Coach" funded by the Norwegian People's Aid Organization.

- Detentions places ⁽²⁾Through field visits by the Field Monitoring Group of the Observer human rights center in the South, it was noted that the buildings of some prisons are designed as a prison site and others are located in areas close to the city surrounded by several security agencies and are not suitable as a prison site in

accordance with international and national standards. Most of these prison sites are integrated with residential neighborhoods, in addition to the lack of sufficient space for the number of prisoners placed there. It was also noted that there is no specialized medical staff and no attention to health facilities, which are unusable, and the tools required by health and hygiene are not available in full and the lack of powders and sterilized, as well as the lack of sports equipment for activities.

Mandela's Rules: Rule 9.1 Where individual cells or sleeping rooms exist, no more than one prisoner may be placed at night. If, for exceptional reasons, such as temporary overcrowding, the Central Prison Service is forced to depart from this base, it avoids placing two prisoners in an individual cell or room.

Rule 13 provides all rooms intended for the use of prisoners, particularly bedrooms at night, all health requirements, taking into account climatic conditions, especially in terms of air volume and minimum space allocated to each prisoner, lighting, heating and ventilation.

Rule 15 Toilets must be sufficient to enable each prisoner to meet his or her natural needs when necessary, clean and decent.

Rule 16 Bathing and shower facilities must be available so that each prisoner and person who is required to bathe or bathe, at a weather-adapted temperature, to the extent required by public health depending on the separation and geographical location of the area, at least once a week in a mild climate.

Rule 17 must maintain all parts of the prison regularly frequented by prisoners, and maintain their complete cleanliness all the time.

- Although instructions have been issued for the vaccine (Virus Corona) for all prisoners, most prisons are clearly overcrowded and cause an increase in cases of Corona virus.

Recommendation:

- a. We recommend the design of prison sites that conform to legal and health standards, regulations and conditions and are located far from residential neighborhoods in accordance with the minimum model rules for the treatment of prisoners, Nelson Mandela Hall 9-1 Rules.
- b. We recommend speeding up the deportation of convicts whose sentences are due to correctional facilities and not leaving them in detention and deportation centers because they are not allocated to it and lead to overcrowding and increased cases of infectious diseases, including the Corona Virus.
- c. We recommend the allocation of a medical staff led by a specialized doctor who is prepared for each prison to follow up on the status of prisoners in accordance with rule 26.1 .

- During its visit to prisons, the Panel noted that personal hygiene, food, clothes and bed supplies in some prison departments allowed the families of the applicants to bring appropriate clothes similar to those provided by the prison administration because these clothes are damaged due to frequent use and washing and are not provided with additional clothing by the Iraqi Ministry of Justice until six months after the date of the last receipt and the prison administration examines the clothes received from the families of prisoners and delivers them to the depositors, while some prisons, especially with regard to Women inmates are allowed to wear the various clothes their families bring, which are modern and clean.

Rule 18.1 must require prisoners to take care of their personal hygiene, and therefore must provide them with water and the tools required by health and hygiene.

2. In order to enable prisoners to maintain a proper appearance that helps them to respect themselves, the prison is provided with the necessary hair and chin care facilities, and males have the possibility to shave regularly.

⁽³⁾Rule 19.1- Every prisoner who is not allowed to wear his or her own clothes must be provided with a set of climate-friendly and adequate clothing to maintain his or her well-being. In any case, such clothing may not be degrading or degrading.

2. All clothes must be clean and kept in good condition. Underwear must be replaced and washed at the pace necessary to maintain health.

- During its visit, the Panel noted that there was no beds inside the prison halls.
- The teams noted that in some prisons there is one sports hall available during the period of sunbathe where depositors practice sports as there are in some prisons workshops for carpentry and the team saw some of the workshop products from bedrooms and various office furniture carried out by inmates, which is very limited due to poor processing from the Ministry of Justice.

As for the food is available and there is no hall dedicated to food, but food is inside the prison halls and under the supervision of a health committee headed by the Public Health Division and the membership of the social researcher whose task is to supervise the distribution of food and workers in the kitchen and follow up their health vacations.

It was also noted that in some prisons there is one grocery store inside the prison, while others lack the presence of these shops, but there are specialized workers to receive orders.

Recommendation:

- We recommend that every prisoner be adequately clothed and that the principle of non-discrimination by gender be applied by the prison departments of the Ministry of Justice.

3. In exceptional cases, when a prisoner is allowed out of prison for a licensed purpose, he is allowed to wear his or her own clothes or other unsung clothes.

Rule 20, when prisoners are allowed to wear their own clothes, arrangements are made when they enter the prison to ensure their cleanliness and suitability for wear.

Rule 21 provides each prisoner, in accordance with local or national standards, with an individual bed and supplies for this bed dedicated to him and sufficient, which are clean when delivered, maintain their fitness, and be replaced on close dates to the extent that they are clean.

The tightening of article (12) of its paragraphs (A-B-C) of the Law on the Reform of Inmates and Depositors No. (14) of 2018 indicates that the administration must provide sleeping spaces that meet the sanitary conditions (lighting, cooling, heating, ventilation- natural light) with the provision of sanitation services and the provision of hygiene and hair care supplies and the provision of bathrooms, clothing, mattresses and supplies.

- We recommend that applicants be provided with sufficient quantities of raw materials for workshops in prisons and that their products be displayed on the market to encourage them.
 - We recommend that the Ministry of Justice create suitable dining rooms.
 - We recommend increasing the time and areas of sunbathe inside prisons.
 - We recommend training prison staff and supporting security agencies on the fundamental rights of prisoners, the Prisoner Welfare Act and laws and instructions related to the preservation of prisoners' rights.
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- During its visit, Health Care⁽⁴⁾ observed the presence of a prison health division in some correctional facilities and was carrying out its functions well, while in some correctional facilities there was a small health-care room but lack of medicines and the absence of a specialist doctor where it is detected by a health officer assigned to work inside the prison and in critical cases of the sick prisoner being transported chained in a hospital bed with strict supervision, the Panel noted that sometimes the prison administration requires many procedures and approvals from the patient prisoner In some women's prisons, the necessary and health facilities were not provided to the pregnant prisoner.

Recommendation:

- We recommend the provision of specialized medical staff within the prison administration and in accordance with the instructions of the Ministry of Health.
- We recommend the provision of medicines and accurate treatments by the Ministry of Health.
- We recommend facilitating procedures and setting instructions to reduce procedures that limit the delivery of sick prison as quickly as possible to the hospital by the Ministry of Justice.
- We recommend that rooms and rooms be allocated to pregnant women and that the necessary health care be provided.

⁽⁴⁾ Rule 24- to 35 the State is responsible for providing health care to prisoners. Prisoners should have the same level of health care as society and should have the right to access the necessary health services free of charge and without discrimination on the basis of their legal status.

- The Panel noted the use of restraints and handcuffs⁽⁵⁾ when transporting convicts with armored and misleading vehicles in some correctional facilities, in addition to solitary confinement, and in some prisons prisoners are transported in handcuffs and in open cars, while inmates are transported without handcuffs and in closed cars.

Recommendation:

- Issuing ministerial instructions that conform to Mandela's rule 47 to preserve the dignity of the prisoner and apply the principle of non-discrimination by sex.
- The Panel noted that the class classification⁽⁶⁾ of all visits to detention centers does not take into account the category classification in terms of crime, but rather the detainees are placed with convicts and for various crimes and women are separated in halls within the same center.

⁽⁵⁾ Rule 47

1. The use of chains, handcuffs and other restraint tools that are inherently degrading or painful is prohibited.
2. Other freedom restriction tools are used only when permitted by law and in the following circumstances:
 - A. As a measure to guard against the prisoner's escape during transfer, provided that it is dismantled when the prisoner appears before a judicial or administrative authority.
 - B. By order of the prison director, if other means fail to restrain the prisoner to prevent him from harming himself or others or causing material losses; in such a case, the director should immediately alert the doctor or other qualified health-care specialist and inform him of the higher administrative authority.

Rule 48

- 1- The following principles apply if freedom restriction tools are authorized in accordance with paragraph 2 of Rule 47:
 - a. Freedom restriction tools are imposed only if a lighter form of control cannot be used to effectively address the risks arising from unrestricted movement.
 - b. Restraint techniques are used only the lightest necessary and reasonably available to control the movement of the prisoner in light of the level and nature of the existing risks.

- c. Freedom restriction tools are imposed only for the necessary period, and must be removed from the prisoner as soon as possible after the expected risk of unrestricted movement has been eliminated.
- 2- Freedom restriction tools are never used with women during labor, during childbirth and immediately after birth .

Rule 49

The prison administration should seek control techniques that eliminate or limit the need to impose tools to restrict or limit freedom, and provide training in the use of such methods.

⁽⁶⁾The tightening of article (9) of the Inmate and Depository Reform Act No. (14) for a year indicates the need to separate categories of prisoners (men from women and civilian prisoners from criminal prisoners). (M11 of Nelson Mandela Rules).

- The Panel noted that there was considerable overcrowding in detention centers, particularly in drug police stations, despite the proliferation of Corona viruses.

Recommendation:

- a. We recommend that those sentenced to be deported to correctional facilities, reduce overcrowding and not be left in detention centers because they are not allocated to it.
- b. We recommend the class separation of prisoners and accused, which is lacking in most of the correctional sites and detention centers that have been monitored.

Juvenile:

The team noted from its entire visit to juvenile prisons and juvenile police stations and departments that they are often not intended to rehabilitate juveniles and reintegrate them into society, that these prisons and attitudes do not take into account class and there is no mechanism for teaching juveniles crafts and skills, and that most of the detainees are drug users, as for women, there is no special prison for juveniles, but they are deposited with adult women, they also noticed babies with their mother inside the prison with adults.

Recommendation:

- We recommend that the necessary instructions be put in place and that children accompanying their mothers be placed in the women's prison because these prisons are not suitable for children after nursery age.
- We recommend that the class separation of events be taken into account.
- We recommend the application of national laws regarding the separation of adult prisoners from juveniles, especially juvenile girls.

- We recommend the development of rehabilitation programs for drug users and the awareness of the risks of the concerned authorities.

The Observer team