



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 1335th meeting

Held at the Palais Wilson, Geneva, on Thursday, 30 July 2015, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Initial report of Iraq (continued) (CAT/C/IRQ/1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **The Chairperson** invited the members of the delegation of Iraq to reply to the questions put by Committee members at the 1332nd meeting.

3. **Mr. Al-Janabi** (Iraq) said that between 2004 and 2013, over 70,000 people had been killed and nearly 220,000 injured in Iraq. Currently, the group known as the Islamic State of Iraq and the Levant (ISIL) was committing atrocious crimes against Iraqi citizens in the areas under its control. More than 300 people had been killed in one incident alone in Bani Sa'd in the Diyala Governorate. Nonetheless, Iraq remained eager to fulfil its human rights commitments. In 2010 it had undergone the universal periodic review and during 2014, despite the fact that parts of its territory were in the hands of ISIL, it had presented reports before a number of human rights treaty bodies.

4. The Iraqi armed forces were sacrificing themselves on the frontline in the global war against terrorism in order to maintain the unity of the State and defend humanitarian values. One of the country's foremost religious leaders, Ali al-Sistani, had issued a legal ruling (fatwa) calling for the country to be defended. In response to that call, the Iraqi people had risen to prevent the spread of ISIL and the Popular Mobilization Forces had come into being, bringing together all sectors of the Iraqi people. By decree of the Council of Ministers, the Forces had since become part of the Iraqi system of defence.

5. The Iraqi Government firmly rejected the use of torture. If any cases had occurred, they had been committed by individuals and were not part of systematic practice. The delegation had been concerned by media coverage of its meeting with the Committee the previous day. Even before the dialogue with the Committee had been completed and the concluding observations had been prepared, the media had expressed preconceived opinions that did not reflect the true situation in Iraq. He hoped the Committee would listen to the views of the Government as it had to those of civil society organizations and would make constructive and practical observations, which, notwithstanding the current difficult circumstances, could be applied in order to help create a human rights structure in the country.

6. **Mr. Al-Ukaili** (Iraq) said that the efforts made to amend the definition of torture in Iraqi law, as explained by the head of delegation in his opening address, had led to a bill which contained separate definitions of torture and of cruel, inhuman or degrading treatment or punishment. Those definitions included all the elements present in the definition in article 1 of the Convention and the bill would soon begin its passage through parliament in order to become law.

7. The Council of Representatives had to approve the appointment of the president and members of the Federal Court of Cassation on the basis of a proposal made by the Supreme Judicial Council. Under the Constitution, the Supreme Judicial Council was one component of the judiciary, alongside the Federal Supreme Court, the Federal Court of Cassation, public prosecution departments and the Judicial Oversight Commission; however, the Supreme Judicial Council was not itself composed of elected members. The role of the Council was to exercise administrative supervision over the entire judiciary, including the Federal Court of Cassation.

8. The death penalty was the subject of intense discussion by legal scholars around the world. It existed in Iraqi law as it did in the legislation of many other countries and, although it had been suspended by the Coalition Provisional Authority in 2003, it had subsequently been reintroduced. The high number of death sentences handed down by the courts reflected the number of offences committed and it was not fair to compare rates of use of the death penalty in Iraq with its use in more stable countries. In accordance with the standards set forth in the International Covenant on Civil and Political Rights, death sentences were imposed only for the most serious offences and with legal safeguards, which were so strict that they sometimes led to delays in sentencing. There was no such thing as trials that lasted just a few minutes and the death penalty could not be used to carry out revenge killings.

9. The Residence of Foreigners Act, which had been issued in 1978, did contain certain unconstitutional provisions insofar as it gave administrative officials powers of detention. However, the current practice was for officials to refer to the judiciary for decisions on detention. The Ministry of the Interior had prepared a bill concerning the residence of foreigners, which was currently on its way to becoming law. Iraq was committed to the principle of non-refoulement and, since 2003, there had been no cases of forced expulsion of persons who had entered to Iraq for political reasons. No attempt had been made to expel the Iranian residents of former Camp Ashraf, despite the fact that their presence in Iraq was unlawful. Likewise, Turkish citizens of Kurdish origin present in the Kurdistan region and Syrians who had entered Iraq during the preceding five years were welcomed and treated in accordance with international standards. The residents of Camp Liberty received health-care services provided by the Ministry of Health, which had opened a care centre in the camp with a staff of doctors and nurses. In case of need, sick persons were conveyed to local hospitals in ambulances belonging to the camp itself.

10. The slowness of complaints procedures bore no relation to whether or not they involved cases of torture. The Iraqi judiciary was independent, and the Office of the Public Prosecutor closely followed up such cases. Rather, the problem was part of a larger issue facing the judiciary as a whole: the lack of staff compared with the number of offences that had to be dealt with. The Supreme Judicial Council imposed very high standards regarding the formation of judges and training courses produced only a small number of successful candidates.

11. Iraq had an inquisitorial rather than adversarial legal system and the entire course of a criminal investigation took place under judicial supervision. Complaints procedures at any stage of the investigation or trial were subject to judicial decisions and, in addition to the right of appeal which existed in law, those decisions were subject to the oversight of the Office of the Public Prosecutor. The police were likewise under the supervision of the Public Prosecutor, as well as of two bodies within the Ministry of the Interior: the Office of the Inspector General and the Directorate for Internal Affairs.

12. The number of male terrorist suspects was far greater than that of females although the law did not distinguish between them in that regard and was applied equally to both. The reform the Iraqi Criminal Code was, in any case, an ongoing process.

13. Under Iraqi law, the general rule had been that any injured party could make a claim for compensation. However, there had been a move towards legislation defining specific injuries for which victims could seek redress. For example, laws had been passed containing provision for compensation for victims of terrorism, of the former dictatorship and of human trafficking. Under the new bill on torture, victims had the right to claim compensation for offences defined in that law and the State undertook to

create health-care and rehabilitation centres, and to promote their reintegration into society.

14. Reports that persons were often convicted on the basis of their confessions alone and that those convictions often led to the imposition of the death penalty had been closely examined by the Ministry of Human Rights and found to be untrue. Investigations always took place under judicial supervision. Special courts known as investigating courts would issue rulings formulating the charges against accused persons and referring them for trial before the criminal courts. The rulings of the investigating courts were open to appeal. The criminal courts could not rule on cases on the basis of confessions alone, but had to take account of other elements, such as witness testimonies or material evidence. No accused person had ever been convicted on the basis of a confession alone. Heavy sentences handed down by the criminal courts, such as the death penalty or life imprisonment, were automatically referred to the Court of Cassation.

15. The allegations of violations by the Popular Mobilization Forces implied that those forces were comparable to ISIL. In fact they were made up of volunteers committed to defending their country. Without their support, the delegation would not have been able to attend the Committee's session, for example, and in general it would be impossible to protect human rights. No one condoned criminal acts by individuals, but such incidents were not frequent and could not be compared to the acts committed by ISIL. The Popular Mobilization Forces were now a regular armed unit under the legally established Popular Mobilization Committee. A bill on the unit's status was in preparation.

16. As to legal safeguards under the terrorism legislation, he said that Iraqi law contained numerous safeguards. There could be no punishment without a previously existing law, for example, and the right to a defence was protected at all stages. Everyone had the right to a fair trial in administrative and legal proceedings and the principle of presumption of innocence was observed.

17. The figure of 4,000 Sunni women allegedly in prison must have come from one of the other reports before the Committee. It was regrettable that a Committee member should have accepted that information, as it could not be correct. As of 29 July 2015, there had been 5,251 male and 314 female prisoners. Moreover, it was not possible for women detainees to be made to sign blank confessions, as had also been alleged.

18. His Government rejected sectarianism. The law made no distinction between people on the basis of their religious or other affiliations. The Code of Criminal Procedure was very detailed. However, the current situation in his country was affecting everything, including the justice system. There had been 448 terrorist attacks in Baghdad in 2014. The head of delegation had himself twice been targeted by booby-trap devices. The impact of that quantity of explosions on the course of life in Iraq, and on its citizens, including members of the judiciary, and their workplaces, was perhaps difficult to imagine.

19. Although no court rulings were made on the basis of confessions, an indictment might be based on a confession in specific cases. Terrorists sometimes frankly admitted their acts, as they believed they were the instruments of God: they might then confess and even challenge judges and investigators, threatening to repeat their action if released. The investigators would then make further enquiries on the basis of those confessions. In any event, an indictment did not necessarily lead to a conviction; that depended on the outcome of the criminal trial that would take place in court.

20. As to the failure to release prisoners immediately on completion of their sentence, he said that it was sometimes the case that release was delayed, notably if the sentence had stipulated that they were to be released only if they were not wanted

in connection with another case. There was no justification for such delay, but it was necessary to check whether a person was indeed wanted in connection with some other case. All detention centres had recently received a letter instructing them to release prisoners within 24 hours. Article 333 of the Penal Code was applied on the basis of articles 126-127 of the Code of Criminal Procedure, whereby the accused had the right to remain silent. No illegal method, such as ill-treatment, threats, psychological pressure or the use of drugs or intoxicants, could ever be used to extract a confession. Nevertheless, confessions could be taken into account by the court if there was supporting evidence.

21. In those provinces no longer under Iraqi control, the Government was powerless. It continued however, to document the crimes being committed there with a view to prosecution in the future. It was also documenting crimes committed by the Popular Mobilization Forces and recording all allegations made by any of the parties concerned. The State was prepared to duly prosecute all criminals regardless of their rank, not excluding government ministers.

22. Iraq was working with the United Nations Assistance Mission for Iraq (UNAMI) and welcomed all training and rehabilitation programmes. The High Commission for Human Rights planned to request technical support from the Office of the United Nations High Commissioner for Human Rights.

23. **Mr. Al-Janabi** (Iraq) said that there were 40 dentists, 115 doctors and 38 pharmacists working in the country's prisons. The Ministry of Health ensured that every detainee was seen by a physician within 48 hours and given a thorough medical examination and any treatment needed. A detailed report was prepared describing their state of health and any symptoms they might present.

24. Accused persons could be filmed once judicial proceedings were under way, with the authorization of the Public Prosecutor. In the face of serious human rights violations by ISIL, that was a means of reassuring the Iraqi people that criminals were being brought to justice and the perpetrators of terrorist acts punished. With regard to secret prisons, he said that Iraq was committed to meeting its international obligations. After carrying out inspections, the High Commission for Human Rights and the Ministry of Human Rights had closed certain prisons that failed to comply with international standards. The prisoners had been transferred to Ministry of Justice prisons.

25. **Mr. Hamdani** (Iraq) said that regular training on human rights instruments, including the Convention, was organized both for the police and for civil society organizations as part of the human rights programme. The aim was to propagate a culture of human rights and an understanding of the prohibition on torture. A knowledge of the Convention was a requirement for promotion in the police. New courses had been introduced on investigative methods and on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). In addition, a project was under way, with support from the European Union, for regional training on investigation and the Istanbul Protocol. Courses run in the past two years had included trainer-training courses, courses for prison officials and for the Ministry of Labour and Social Affairs, and training on combating torture and enforced disappearance for Ministry of the Interior officials. One thousand copies of the police code of conduct had been distributed and a forum for senior officials had been held at the Ministry of the Interior.

26. **Mr. Al-Janabi** (Iraq) said that his delegation shared the Committee's concerns over the size of the prison population. Overcrowding, along with a lack of water and power cuts, was causing disease among inmates. Prison medical staff were taking

steps to identify the sources of disease and health measures were being put in place. New infrastructure was being constructed to alleviate overcrowding. The allegation that some prisoners were held in toilets was unfounded, although such a measure had occasionally been used on a temporary basis where a prisoner represented a danger to others or broke the rules.

27. **Mr. Al-Obaidi** (Iraq) said that the use of cruel or inhuman treatment by a public official was a criminal offence punishable under the Penal Code, article 333. As to the exoneration of rapists who agreed to marry their victims, he said that article 426 of the Penal Code had ceased to apply in 2003 under a Coalition Provisional Authority order. It was not true that “honour crimes” were socially acceptable in Iraq. Under the Act establishing the High Commission for Human Rights, the Commission could bring complaints in the Human Rights Court as well as investigate complaints.

28. Iraq was committed to the principle of non-refoulement. There had been no cases of anyone being deported if he or she was likely to face the death penalty since 2003. A new bill on residence in Iraq was soon to be brought before Parliament. It reflected the provisions of the 1951 Convention relating to the Status of Refugees. With regard to medical reports on the accused, he said that investigating judges could request an examination by a forensic physician, and the resulting report was submitted to the court and used as a basis for the court’s decisions.

29. Various organizations had alleged that women were being forced into prostitution. Such information needed to be examined very carefully, especially where specific names and places were given. The Ministry of the Interior and the courts had looked into the reports and found some to be substantiated. In other cases the statute of limitations had applied and no action had been possible.

30. Several transitional justice institutions had been created after 2003, to look into human rights violations and crimes committed by the previous regime and to consider claims for reparation. One body dealt with compensation for martyrs, and another with reparation for political prisoners, providing financial and moral redress that took due account of their sacrifice and the suffering they had endured. Another body looked into claims from private property owners relating to the period from 1968 to 2003. The legislation on prison administration provided the framework for constitutional guarantees for detainees. It ensured the separation of adults and minors, the provision of meals and medical services for prisoners, and the right to confidential consultations with a lawyer.

31. **Mr. Bruni** (Country Rapporteur) asked whether the Government had a time frame for the adoption of the draft definition of torture. Noting the failure of the Iraqi judiciary to take action in response to allegations of torture and requests for medical reports, he asked what sanctions were applied to judges who did not respond to allegations of torture. More information should be provided on the safeguards provided to persons held in police custody, in particular access to a lawyer, a medical examination and the right to inform a family member soon after arrest. He asked whether the State party intended to ratify article 22 of the Convention, thereby recognizing the competence of the Committee to consider individual communications.

32. Information from various sources, including the Iraqi delegation to the universal periodic review of Iraq in 2014, indicated that up to 600 allegations had been made of torture in places of detention in the State party. He asked which department was guilty of the alleged acts of torture, what measures had been taken in response to the allegations and what punishment had been applied to the perpetrators of torture. The National Human Rights Institution alleged that, in 2014, it had not been permitted to visit places of detention without prior permission. Clarification should be provided of expulsion procedures, in particular with regard to reports that governors in borders

areas could expel persons from the country *ex officio* without any judicial procedure. Information would be welcome on adherence to article 3 of the Convention regarding non-refoulement, including the criteria used to establish whether a person was in danger of being subjected to torture if returned to another State.

33. The delegation should provide examples of persons sentenced to imprisonment for arresting, imprisoning or detaining a person in circumstances other than those prescribed by law, as provided for in article 322 of the Penal Code, and indicate the circumstances of each case. Information from the United Nations Assistance Mission for Iraq (UNAMI) reported that a number of persons alleged that they had been held in detention for up to 10 years without charge; he asked what punishment was applied to the persons responsible for those persons' detentions. The delegation should provide more information on the situation of women in detention, who were reportedly tortured in police custody and during interrogation, particularly by the security forces, in a context of impunity.

34. **Ms. Belmir** (Country Rapporteur) asked the delegation to comment on the fact that Iraq carried out a high number of executions, yet had accepted 10 recommendations arising from its universal periodic review on reducing or abolishing the death penalty. The delegation should comment on the findings of the UNAMI Human Rights Office when monitoring criminal trials, which had revealed allegations of torture to obtain confessions and a lack of access to medical doctors and subsequently medical reports to substantiate such allegations.

35. She expressed concern at the slow pace of the justice system, in particular due to the fact that responsibility for investigation was shared between three departments and to the politicization of judges which had led to a number of judges receiving threats. A number of elements essential to a fair trial were not being fully implemented. She asked how the State party protected women in places of detention from violence, including rape. Information should be provided on whether compensation was provided to those who had suffered between 2003 and 2011 in the State party, or was limited solely to those who had suffered under the regime of Saddam Hussein.

36. **Mr. Modvig** asked whether persons detained in a police station were entitled to request medical attention and, if so, what kind of medical attention was available. He requested information on the number of cases in which prison doctors found traces of torture, following allegations of the same, and subsequently referred cases to the Department of Forensic Medicine.

37. **Ms. Gaer** asked how civil society had responded to the call for information for the State party's report. The delegation should provide specific details of the number of cases charged and convicted under article 333 of the Penal Code, the number of cases excluded due to forced confessions and the number of cases in which charges had been laid on the basis of article 19, paragraph 12, of the Constitution on secret detention.

38. She asked whether the Government worked with women's groups and NGOs to support and reintegrate the women, girls and members of the lesbian, gay, bisexual and transgender community (LGBT), who had fled violence, sexual slavery and targeted attacks perpetrated by armed groups, including ISIL. Information should be provided on how the Government ensured that those persons did not suffer further victimization following their escape and on the legal status of shelters run by private persons or NGOs. The delegation should indicate the State party's position on reported killings of members of the LGBT community and young people who were fans of the "emo" subculture, and on the words of Colonel Mushtaq Taleb al-Mahemdawi that appeared to give official sanction to those killings.

39. She asked what action had been taken by the Iraqi committee for LGBT and noted that there was a pattern of establishing institutions yet not supporting them in practice. She asked whether the Ministry of Human Rights had adequate financial and political support to function, whether the Higher Commission for Human Rights was independent and able to function, and whether the Ministry of the Interior investigated allegations of abuse by police and ministry personnel. Given that they were no longer enforced, would the provisions that exonerated rapists if they married their victims be repealed?

40. **Mr. Gaye** requested information on the length of the prison term provided for in article 333 of the Penal Code for public officials or agents who tortured or ordered the torture of an accused person, witness or expert. He asked whether the principle of non-refoulement had been fully incorporated into national law. He noted that torture was not included in the crimes for which the Iraqi courts enjoyed universal jurisdiction.

41. **Ms. Pradhan-Malla** expressed concern at reports that it was difficult for women to obtain identity cards, which were crucial to the protection of human rights and access to justice, and requested information on the de jure and de facto distribution of identity cards to women. She asked how the State party prosecuted those who perpetrated violence against women, including ISIL; whether a gender justice mechanism was included in the mechanisms for transitional justice; whether the practice of virginity testing had been criminalized; and whether programmes had been developed to change attitudes towards women. She encouraged the State party to include at least one woman in its delegation at its following meeting with the Committee.

42. **The Chairperson** acknowledged the difficult situation in the State party and welcomed the delegation's assertion that there was no excuse for torture. He was however concerned at reports of the use of forced confessions in trials and requested information in that regard, including for the Kurdistan region, and in particular on the number of convictions where the only evidence had been a confession. He recalled that during the Universal Periodic Review of Iraq the delegation had stated that there had been 516 investigations of allegations of torture between 2008 and 2014 and wondered how many of those had resulted in trials and convictions.

43. He asked whether the delegation could comment on reports received by the Committee according to which: detainees were regularly held in secret facilities or facilities managed by the Ministries of the Interior, Justice and Defence, to which the Commission for Human Rights was denied access; cases of torture resulting in death, for example the Al-Bilawi or Tawfiq cases, were never investigated; terrorism suspects were arrested without warrants; and allegations of torture were not investigated or prosecuted. Lastly, he expressed concern at reports according to which human traffickers would post bail for an incarcerated woman and then force her into prostitution to repay her debt.

44. **Mr. Al-Janabi** (Iraq) said the State party had a valid legal framework for the prevention and repression of torture that all State agents were aware of. Many alleged cases of torture had in fact been investigated, and had led to the prosecution and sentencing of those responsible. The Ministry of Human Rights monitored the human rights situation, including prison conditions. Its annual report was posted on its website and could investigate media reports of torture. With regard to violence against women, he said that the Ministry of State for Women's Affairs and the Ministry of Human Rights, taking into account the most recent concluding observations of the Committee on the Elimination of Discrimination against Women and in cooperation with civil society organizations, were preparing a comprehensive plan of action to protect women's rights and mainstream the gender perspective across all ministries.

45. **Mr. Zebari** (Iraq), speaking on behalf of the Kurdistan Regional Government (KRG), underscored his Government's commitment to following up allegations of human rights abuses in prisons and detention centres. He noted that in the first half of 2013, there had been 53 visits to detention centres by international organizations, including the United Nations Assistance Mission for Iraq (UNAMI). In early 2015, the NGO Justice Network for Prisoners (JNP) had provided training on inmates' rights and the prevention of torture to 520 Asayish (security service) staff; JNP had also organized seminars on those topics for 1,500 lawyers, judges, NGOs, politicians and journalists.

46. The KRG was increasingly committed to ensuring the welfare of persons under its authority, including for example the Yezedi community. To date more than 1,700 Yezedi, mostly women and children, had been freed from ISIL forces, although as many as 3,000 were estimated to still be prisoners of ISIL. A substantial portion of the KRG budget had been allocated to ransoming hundreds of Yezedi women. In November 2014 a committee had been established to collect data on the situation of Yezedi Kurdish women abducted by ISIL and returnees with a view to meeting their needs. Furthermore, the KRG High Committee on International Recognition for ISIL crimes had been established to lobby for international recognition of the genocide perpetrated by ISIL against KRG citizens, including the Yezedi community.

47. Given the high number of internally displaced persons, including Yezedi, in KRG territory, the Department of Health had assumed responsibility for those persons' health needs. In October 2014 for example, 2,154 internally displaced women had given birth. Lack of resources and the failure of the international donors to contribute significantly to such efforts would however make it difficult to maintain the levels of service provided to the millions of internally displaced persons residing in the Region.

48. With regard to women's rights, he said that article 21 of the KRG Draft Constitution guaranteed protection for women's rights. Article 409 of the Iraqi Criminal Code had been amended in 2002 by the KRG parliament to increase the penalties for honour killings. The Combating Domestic Violence Act (2011) defined domestic violence very broadly, including verbal abuse, and provided for the prosecution of perpetrators. In 2010 the role of the Ministry of the Interior's Directorate for Follow-up of Violence against Women in monitoring the situation of domestic and other violence against women, prosecuting perpetrators and providing support for victims had been strengthened. A hotline for reporting complaints had been established in Arbīl and Dahūk. In 2012-2013, 36 men had been prosecuted for violence against women.

49. In 2012, the High Council for Women had prepared a national plan to combat violence against women; it had also organized a conference to coordinate efforts with the Ministries of Interior, Health, Education and Social Affairs. Unfortunately lack of funding had suspended implementation of such efforts. Nevertheless, with a view to helping vulnerable women, more women's shelters staffed by trained professionals were being opened. In addition, quotas for the representation of women within the Government had been established; currently 30 per cent of parliamentarians had to be women.

50. In response to questions about pretrial detention, he said that the High Committee on Follow-up to International Reports had met with judicial authorities on many occasions to investigate concerns raised in that regard. All detainees had to appear before a magistrate within 24 hours for a decision on bail, taking into account the severity of the accusation. Any extension of detention had to be approved by a judge. Bail was not granted in cases of a death sentence or a conviction for terrorism, if the individual had no fixed address and posed a risk of flight, or if the accused risked being killed by the victim's family.

51. The Ministry of the Interior had established a special court to investigate the situation of pre-trial detention with a view to accelerating procedures, in particular by granting bail to those eligible and to reviewing cases of prolonged detention without formal charges. Furthermore, the Kurdistan Regional Law on Compensation of Wrongfully Convicted Person had been adopted to provide compensation for persons wrongfully detained.

52. Since June 2014, some 322 individuals suspected of terrorism had been detained, processed through the Anti-Terrorism Department and transferred to detention facilities. Of those, 83 had been released. They received few family visits, no doubt because of the difficulty of travelling through ISIL-controlled territory. There were also some prisoners detained along the front lines who had not yet been transferred to the Anti-Terrorism Department. Human rights organizations, including the International Committee of the Red Cross and Human Rights Watch, visited the detention centres and interviewed detainees.

53. His Government was committed to ensuring the rule of law; no individual, whatever his/her position, was immune to prosecution for abusing the rights of detainees. The General Directorate of the Asayish maintained that there was not sufficient substantiating evidence for allegations of torture in prisons and they did not have the names of alleged complainants or the prisons involved. Prison staff and police officers suspected of abuses were given warnings; a committee could also be established to investigate accusations, as had been done in numerous cases of alleged torture.

54. It was quite possible that Parliament would abolish the death penalty in the KRG. In April 2006 an anti-terrorism bill had been adopted that imposed the death penalty in cases involving terrorism. In cases where the families of the offender and the victim became reconciled through *sulh* the death penalty could be commuted to life imprisonment. Under the terms of the current Amnesty Law thousands of prisoners in the KRG had been granted bail or had their sentences substantially reduced. The stability of the Kurdistan region had led to an increase in population and a heavier load for the judicial system; in response 40 prosecutors had been appointed, in particular for underserved areas, and more judges were being trained.

55. Lastly, with regard to overcrowding in prisons, especially in some jails, he said that there were currently just over 3,000 prisoners and detainees in the Kurdistan Region. To tackle that issue five new prisons had been built. Prisons meeting international standards would be built in all towns over the next three years. Overcrowding would likewise be addressed through referrals of inmates to rehabilitation centres; construction of two rehabilitation centres meeting international standards was 75 per cent completed. New prisons for women and adolescents had been opened which also met international standards. Prisoners requiring medical treatment had access to the prison medical clinics.

56. **Mr. Al-Ukaili** (Iraq) said that efforts were under way to align the definition of torture with the Convention, but that would be a long process that would have to be taken up by the Shura (Advisory) Council, the cabinet and finally Parliament. He had no information on any actions on the part of the Supreme Judicial Council to discipline judges who had refused to hear cases of torture. He said that if the Human Rights Commission had been denied access to detention facilities, it could make a complaint to the Human Rights Court. While the right to representation by a lawyer was guaranteed in principle, that was not always the case in practice; efforts would continue to convince the relevant authorities of the importance of ensuring that an accused person had legal counsel. The delegation would try to provide information on the number of civil servants prosecuted and sentenced for rights abuses.

57. He denied reports that some 150 death sentences had been pronounced, without the right of appeal; that was impossible since appeals were automatic in cases involving the death penalty. He said that all allegations of torture were investigated, but acknowledged that trials were long given the current situation in the country and the lengthy procedures to be followed. He said that under articles 126, 127 and 218 of the Criminal Code, forced confessions were not permitted, nor were they admissible in Court. The death penalty was no longer applied to women.

58. He said that an adequate legal framework existed for the prevention of torture and human rights abuses, although more needed to be done to ensure the application in practice of those instruments. To that end the State party was working with the Office of the High Commissioner for Human Rights to develop plans of action and training programmes. He stressed that the Human Rights Commission was an independent body. He acknowledged the need to amend existing legislation to include aggravating circumstances in cases of rape, for example if a woman died of her injuries.

59. He said that the current provisions of Iraqi law regarding extradition and on refoulement were outdated; the Ministry of the Interior was preparing amendments that would soon bring legislation into conformity with Iraq's international obligations. With regard to universal jurisdiction, in particular for cases involving torture, he said that while article 13 of the Criminal Code provided for universal jurisdiction in some circumstances, an amendment was being prepared that would allow for prosecution of any act of torture committed in Iraq or abroad by a citizen or non-citizen, even in cases where that act was not considered to be a crime in the country in which it occurred.

60. **Mr. Al-Janabi** (Iraq) said that the delegation would make every effort to provide answers in writing to any unanswered questions, including the specific cases mentioned. He thanked the Committee for a fruitful dialogue and looked forward to the Committee's concluding observations, which would help the State party continue to improve the situation of human rights in Iraq. He hoped that the Office of the High Commissioner for Human Rights would provide its technical support in that regard.

61. **The Chairperson** thanked the delegation for its replies and the information provided. The Committee would continue to cooperate with the State party with a view to full implementation of the Convention. He said that the Committee had thus concluded its consideration of the initial report of Iraq.

The meeting rose at 6 p.m.