



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CAT/Follow-up

23 July 2020

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the initial report of Iraq, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 55th session in August 2015, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/IRQ/CO/1, para. 32 and Corr.1) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 12 (a), 13, 14 and 16 (a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 4 June 2020 providing your Government's response on the above-mentioned paragraphs (CAT/C/IRQ/FCO/1), and to make the following comments:

Armed conflict, acts of terrorism and violations of the Convention (para. 12 (a) of the Committee's concluding observations)

The Committee regrets that the follow-up replies do not contain information on the progress achieved relating to the investigation and prosecution of alleged serious human rights violations, including torture and ill-treatment, enforced disappearances and extrajudicial killings, by the Iraqi Security Forces (ISF) and affiliated forces during the fighting with the so-called Islamic State in Iraq and Levant (ISIL) and other armed groups. In this regard, the Committee would appreciate receiving complete and detailed statistical data on the number of investigations, prosecutions, convictions and sentences handed down in cases of torture and other ill-treatment, enforced disappearances and summary executions since the adoption of its concluding observations. It would also appreciate receiving up-to-date information on the concrete measures taken to document

.../...

Mr. Abbas Kadhom Obaid Al-Fatlawi
Minister Plenipotentiary
Deputy Permanent Representative and chargé d'affaires a.i.
to the United Nations Office at Geneva
E-mail: iraq.unog@mofa.gov.iq

and investigate the severe human rights violations and abuses committed by the ISIL and associated groups, including acts of sexual and gender-based violence, with a view to identify, prosecute and punish the perpetrators of these crimes and provide effective redress to victims (1/C).

Conflict-related sexual violence (para. 13 of the Committee's concluding observations)

The Committee regrets that the follow-up replies did not indicate whether the State party has taken any concrete measures to promote the protection of women and eliminate the impunity enjoyed by perpetrators of acts of sexual violence in the context of the armed conflict, whether they are State officials or non-State actors. It also regrets not having received detailed information on the number of investigations, prosecutions, convictions and sentences handed down in cases of conflict-related sexual violence since the adoption of its concluding observations (1/D).

Fundamental legal safeguards (para. 14 of the Committee's concluding observations)

While taking note of the information provided by the State party, the Committee regrets that it does not include the results of the inspection and monitoring activities conducted to ensure compliance in practice with fundamental legal safeguards and the rights of detainees, including the rights to be assisted by a lawyer without delay, to have immediate access to an examination by an independent medical doctor, to be informed of the reasons for the arrest and the nature of any charges against them, to be registered at the place of detention, to inform promptly a close relative or a third party concerning their arrest, and to be brought before a judge without delay (2/B2).

Secret detention in cases involving security concerns (para. 16 (a) of the Committee's concluding observations)

Notwithstanding the State party's denial of the existence of secret detention facilities, the Committee remains concerned at the lack of information regarding the investigations carried out to address allegations that terrorists and other high-security suspects, including minors, would have been arrested without any warrant, detained incommunicado or held in secret detention centres for extended periods of time, during which they were reportedly subjected to torture in order to extract confessions (1/D).

Implementation plans (para. 32 of the Committee's concluding observations)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Iraq is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the initial report of Iraq.



The Committee looks forward to a continued constructive dialogue with the authorities of Iraq on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

p.p.

A handwritten signature in black ink, appearing to be 'LGP'.

Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture