



The human rights situation in Iraqi prisons Is improving, but the need to comply the legislations with the international standards remains

Justice Network for Prisoners (JNP) report on human rights condition in the prisons, reformatories and detention centers in Iraq

2016

i. Introduction

This report was prepared by the affiliated organizations under the Justice for Prisoners Network (JPN) basing on field visits to 24 prisons, detentions and observation houses for men and women and juveniles in nine Iraqi provinces from the far south to the far north.

As reflected in the following table:

No.	Name of Detention or Prison in Iraq	Supervisory Party	Government
1	Adults Reformatory	Ministry of Labor and Social Affairs	Dahok
2	Women and Juvenile Refrmatory / Juveile	Ministry of Labor and Social Affairs	Dahok
3	Women and Juvenile Refrmatory / Women	Ministry of Labor and Social Affairs	Dahok
4	Directorate of Women and Juvenile Reformatory / Juvenile	Ministry of Labor and Social Affairs	Erbil
5	Directorate of Women and Juvenile Reformatory / Women	Ministry of Labor and Social Affairs	Erbil
6	Directorate of Adults Reformatory	Ministry of Labor and Social Affairs	Erbil
7	Directorate of Social Reform of Adults in Sulaimaniya	Ministry of Labor and Social Affairs	Sulaimaniyah
8	Directorate of Social Reform of women and Juvenile/ Juvenile	Ministry of Labor and Social Affairs	Sulaimaniyah
9	Directorate of Social Reform of women and Juvenile/ Women	Ministry of Labor and Social Affairs	Sulaimaniyah
11	Chamchamal Central Prison	Ministry of Justice – Iraq / Directorate of Reform	Kirkuk
12	Observation House of Convicted Juvenile in Tuerige	Ministry of Labor and Social Affairs	Baghdad
13	Observation House of Juvenile in Tuerige	Ministry of Labor and Social Affairs	Baghdad
14	Alrusafa Prison	Ministry of Justice- Iraq	Baghdad
15	Women Prison	Ministry of Justice- Iraq	Baghdad
16	Al Hilla Reformatory Prison for Men	Ministry of Justice- Iraq	Al Hilla
17	Al Taji Prison	Ministry of Justice- Iraq	Baghdad
18	Al Maaqal Prison for Light Sentences	Ministry of Justice- Iraq	Al Basrah
19	Al Nasriyah Reformatory Prison for the Light Terms	Ministry of Justice- Iraq	Dhiqar
20	Al Nasriyah Central Prison	Ministry of Justice- Iraq	Dhiqar
21	Al Basrah Central Prison	Ministry of Justice – Iraq / Directorate of Reform	Al Basrah
22	Juvenile Prison in Samawa	Ministry of Interior	Al Muthanna
23	Al Muthanna Central Prison	Ministry of Justice- Iraq	Al Muthanna
24	Al Emmara Central Prison	Ministry of Justice- Iraq	Misan
25	Juvenile Detention / Juvenile Police Station in Basrah	Ministry of Interior	Al Basrah

The prisons and detention centers have been selected to carry out field visits basing on the report published by the Iraqi Ministry of Justice in (2011), and we will continue to follow up the prisons and detention centers mentioned in this report.

Such activities of the Justice Network for prisoners are stipulated in its bylaw which was adopted in 2007, and exactly what comes in Article (4) paragraphs (2, 3, 4, 5, 6 and 7) as well as Article (5) paragraphs (1, 3, 7 and 9).

The justice for prisoners Nework in Iraq is aiming through this report to show the reality of the human rights situation in Iraqi prisons with honesty in order to coordinate and cooperate with the relevant authorities of these institutions to improve human rights conditions, as well as to take measures in coordination and cooperation with the international organizations (UN agencies, international non-governmental organizations and countries that cooperate in improving the conditions of prisons and reformatories) in order to improve human rights conditions in such institutions,

In the content of our report we will focus on following up the international recommendations to Iraq by the member states of the United Nations Human Rights Council in 2014 after reading the report of Iraq (UPR), in particular those which are related directly and indirectly to prisons and detention centers, the rights of prisoners and detainees, investigations and arrests, and also indicating other aspects of the ratification of international instruments and their compliance with the national legislations in accordance with the international standards, in particular the instruments adopted by the United Nations General Assembly (GA) regarding the criminal justice, prisons, detention centers, torture, investigation of crimes, impunity and fair trial guarantees to ensure the rights of the accused, delay in proceedings and the recommendations that has been received in the Human rights Council regarding the prison file and legislation are: -

1. Take all appropriate measures to ensure that the national legislations are fully compliant with the international standards and commitments.
2. Continue to strengthen the legal system and take measures to ensure safe living condition for the population.

3. Work for the adoption of strict measures to contribute in improving the country's legislations in accordance with the international obligations of human rights.
4. Consider reducing the number of crimes punishable by death penalty.
5. Work as much as possible to reduce the number of crimes punishable by death penalty in order to limit the number of these provisions.
6. Prompt investigation in all allegations of torture and ill-treatment and facilitate the visits of the Special Rapporteur on Torture to all detention facilities in Iraq.
7. Investigate all allegations of torture.
8. Ensuring to conduct a rapid, comprehensive, impartial and independent investigation in all allegations of acts of torture or ill-treatment and to bring those responsible for such acts to justice.
9. All confessions extracted under torture or other illegal means shall not be accepted as evidence.
10. Ensure the independence of the judicial authorities, through investigations into the allegations of corruption.
11. Ensure equality between all Iraqis in judicial proceedings
12. Take appropriate measures to guarantee the right to due process guaranteed by the International Covenant on Civil and Political Rights
13. Reform and promotion of the judicial system to effectively address issues of impunity and reparation for the victims
14. Conducting reforms in the judicial system to ensure the impartiality and independence and also to ensure access of persons belonging to minorities and vulnerable groups to justice
15. Take necessary steps, including a quick investigation in all human rights violations and cases of abuse committed in the country.
16. Promotion of the capacity building in the field of criminal investigation and prosecution in order to prevent and stop arbitrary detention and extrajudicial executions.
17. Ensure full investigation in all reports of human rights violations, including violations targeting ethnic and religious minorities, women and girls and prosecute those responsible.
18. Continue training law enforcement institutions and capacity-building on human rights

19. Concentrate on educating police officers involved in enforcing the rule of law to ensure the human rights of Iraqi citizens and combating corruption and to restore public confidence in the government.
20. Intensify state efforts to protect human rights in territories under its jurisdiction and to prevent all violations and hold those responsible accountable.
21. Continue its efforts to achieve respect for human rights and fundamental freedoms of all people and to take all necessary measures to ensure combating impunity for the perpetrators of crimes and all acts of violence and human rights violations.
22. Continue to apply legal measures, especially to juveniles, starting from the initial stages of detention into custody and enforcement of the sentence, considering, inter alia, including the incorporation of the principles of reform justice in the juvenile justice system.
23. Reforming of the judicial practices in place in the framework of the counter terrorism law, so that the law is not used as a pretext to arrest without a warrant and detention for prolonged periods without trial in a violation of the right to due process.
24. Ensuring that all counter-terrorism measures are strictly comply with international law.
25. Investigate all violations in International humanitarian law committed by terrorist groups.

A questionnaire form was also prepared containing 26 questions to collect information based on the Standard Minimum Rules for the Treatment of Prisoners and the Iraqi laws in force for prisons and detention centers, and also the Iraqi constitution and the related international conventions on the rights of prisoners and detainees.

ii. Important conclusions

1. There are multi departments of prison institutions, some of them are linked to the Ministry of Justice and the others are linked to the Ministry of Labor and Social Affairs, in addition to the presence of an administration in the defense and interior ministries.
2. 71% of the prison institutions which has been visited are suffering from overcrowding, sometimes up to three times to the planned number of the inmates.

3. In 83% of the prison institutions covered by the visits, an Office of Human Rights is existing, but it lacks the presence of quantitative and qualitative of the number of employees.
4. All these institutions are regularly visited by various local and international organizations such as (UN - ICRC - and international and national non-governmental organizations).
5. Only 16% of the prisons and reformatories buildings are in good condition compared to 46% not suitable for occupancy and 38% in medium condition.
6. All these institutions have variety of records containing the basic information about convicts and detainees, as well as reasons for imprisonment, judicial decisions, date of arrival and release, and other health and social information.
7. 88% of the institutions are committed to the International classification of prisoners, according to their sex, age group, legal status and duration while such commitment is not available in the remaining 12%.
8. These institutions use different methods to control and observe the prisoners, including: watching by using cameras and putting informants and observers among the prisoners.
9. Only 70% of the prison buildings enjoy a favorable environment in terms of ventilation and exercise, while these requirements are not available in in 30% of them.
10. Only 50% of prison institutions provide bedding for the prisoners, such as beds, bed sheets and blankets, while in the other 50% these supplies are not sufficiently available.
11. Suitable water for human use, shaving kits and hygiene material is available in these prison institutions, in addition to the existence of toilets, but not at the required level to allow a convenient and secure use by the prisoners and detainees.
12. 67% of these institutions provide appropriate clothing to prisoners and detainees twice a year, but they lack the presence of signs to distinguish between prisoners by type of crime and place of prison and... etc.
13. All prison institutions provide three meals for prisoners, but the food has no variety with inadequate calories, as well as the failure to provide special meals for patients.

14. 80% of these institutions contain halls for exercise and entertainment, but they are limited and do not commensurate with the number of prisoners on one side and not the desired variety on the other.
15. Medical teams are available in 92% of these institutions and only 75% of them contain medical supplies with lack of specialized doctors, maternity wing, Intensive care units, ambulances and most of the necessary medicines are not available in quality and quantity.
16. Only 65% of the administrations of these institutions provide elementary education for the prisoners, and permit external examinations for those who desire.
17. Social researchers are present in 79% of the prison institutions, but most of them lack the proper education to perform their job because of the nature of the curriculum of their major study that do not comply with the nature and the penal provisions for prisoners.
18. Regarding the use of punishment within these institutions we have noted the following: 67% of them use different penalties. In 5% of them injuries happened because of punishments, 12% of those infected received health care after injury, in 25%, beating has been used, 33% the imprisoned people exposed to humiliation, In 29% of the prisons the prisoners tried to commit suicide with 14% attempts to escape. Finally, a quarter of these institutions use handcuffs and chains to limit the daily troubles inside prisons.
19. 92% of the prisoners are to some extent familiar with regulations, laws, procedures and rights, 88% of them are able to get legal support, hire a lawyer and file a complaint, 96% of the prisoners read the news, watch TV programs and read newspapers, magazines and enjoy reading received letters from their families and friends through regular visits which is for all prisoners without exception, finally, 75% of the prison institutions contain libraries which is partially limited with the variety of books.
20. 96% of the prisoners confirmed that their administrations allow them to practice their religious rites and rituals, but this right applies only to Muslims but not to the followers of other religions.
21. The administrations in 92% of the mentioned institutions have allocated special locations for the prisoners for saving their belongings which could be used on daily bases and other staffs, in addition to the existence of

- special locations for depositing and saving valuable properties but such locations are lacking right, appropriate and modern procedures.
22. 88% of the prisoners confirmed that during moving them safeguards are ensured for not exposing them and to protect their dignity, and to ensure their personal security on the other hand, and they are not paying the cost of their movement neither from a location to another nor between prisons.
 23. The employees and the supervisor of the prisons and detentions are being employed for different considerations, and the recruitment process is not without mediation and bribery, 28% of the employees does not have even the primary certification and some of them are illiterate, and the vast majority of them have not participated in any kind of training courses in the field of human rights, self-defence and not any other fields.
 24. Only 4% from the prisoners stressed that they have been enforced to do hard works unwillingly, while 8% of them have participated in productive, useful professional workshops, and about 75% of them have got trainings to build their capacities on useful and productive professions, but all what they are doing is free of charge and they are not paid in return.
 25. In the women prisons it was clear that all inmates were women and all employees, supervisors and administration were women as well, and men are not allowed to enter the women's facilities without being escorted by a woman employee as well.
 26. Absence of special facilities for the inmates whom are suffering from mental diseases and the same thing applies to the homosexuals. This was confirmed by 37%, 22% respectively.
 27. General and Miscellaneous Cases: A- 92% of the prisoners confirmed the existence of special regulations and procedures on treatment with prisoners. B- there are Laws to regulate the work and administration of prisons by all types. C- 54% of the prison managements confirmed that drugs have been found inside the prisons, D- 66% of the prison managements confirmed the existence of the re-integration programs of re-integrating the released prisoners in the community in order to be good citizens, the prison managements confirmed that many of those prisoners whom have been released earlier, have committed crimes again and re-arrested, and finally everyone confirmed the absence of a follow up mechanism to follow up the convicted prisoner after being released.

iii. The Most Important Recommendations and Suggestions:

1. Unifying the parties who administrate and supervise the detention, reformatory and prisons, including the military detentions and detentions of the internal security forces and the convicted prisoners belong to the military or security forces, in order to facilitate the issue of the regulations and system which facilitate the implementation of the management of the prisons and detention facilities on the inmates inside the mentioned institutions.
2. As a solution for the overcrowding we recommend the following:
 - a. Increasing the conditional release, and decreasing the duration from spending two third of the sentence to the half of the duration of the sentence.
 - b. Using the alternative punishments or alternatives for the punishments which restricts the freedom, as most of the countries do not use the punishments which restrict the freedom if convinced that the convicted person does not constitute a risk on the community and on himself, and if the crime was not intentionally committed, and the preference is usually given to the alternative punishments for the juvenile, women and disabled persons instead of sending them to the prisons, mixing them with dangerous persons, increasing the cost on the government and the other negative aspects of imprisonment on the convicted persons, they request him or her to do a social service for the community instead of implementing the sentence against him or her.
 - c. Using the fines and increasing its usage in the cases of the crimes which their sentences do not exceed three months or even 6 months.
 - d. Increasing the usage of (suspending the execution of the sentence) for the unintentional crimes and the first time crime and taking into consideration the age of the convicted person especially if the person was lacking experience in dealing with the problems which lead him or her to make mistakes which constitute crimes and was still in his or her early stages of life.

e. Adopting the system of postponing the implementation of the punishment in the cases which could be postponed, and this idea is implemented in many countries, as if they see the prisons are not ready to receive the convicted person in any time, then the judge will decide to postpone the implementation of the punishment for a specific period.

f. Constructing incubation units and kindergartens for the children whom are living with their parents in the women prisons.

3. Opening offices for the human rights inside the prisons and detention facilities were such offices does not exist, and capacity building of the employees in the mentioned offices through engaging them in specialized advanced courses.

4. We recommend that the parties who supervise the administration of the prisons to facilitate the procedures of entering to the prisons and conducting visits, interviewing and writing reports, beside constructing prisons according to the specifications with paying attention to the situations of the persons with disabilities when designing such buildings, noticing that prisons should be away from the public residence, and noticing not to construct new prisons with big cells and halls for health and security considerations, and finally considering the establishment of useful vocational trainings in the prisons, as the majority of the prisons contain workshops for carpentry and smithery.

5. Paying better attention to the issue of ensuring special records for the prisoners and detainees with considering the importance of electronical documentation in all prison institutions.

6. The importance of adopting the international standards in categorizing and classifying the inmates and detainees in all prisons and detention facilities in Iraq.

7. Relying on monitoring cameras for is more usfull than observing and watching the prisoners, hence we recommend to monitor the prisons and detentions through cameras, and it is considered as an important source for information for the management, and a good protection for the management when there is a need to prove a specific incident and not rely on the secret informers inside the prisons, however the secret informers have helped the

management in getting a lot of information on different issues, like sodomy, lesbianism, drugs, planning to break the prison and escape, attacks on management and security staff in the prison, but at the same time it has been exploited for revenge or fabricating charges and false news and it creates a lot of problem among the prisoners themselves when the one who leaked the information to the management identified.

8. Finding solutions for the ventilation problems through putting required air conditioners in the detentions and increasing the exercising hours, especially during the times when exposing to the sun is more effective during the midday, through taking the inmates outside the halls as long as possible on daily bases. It is also important to use detergents and cleaning liquids on weekly bases and periodic and annual medical sterilization for the cells.

9. In addition to the recommendations related to decreasing overcrowding, we recommend ensuring beds and other accessories for all prisoners in order to ensure comfortable condition for sleeping.

10. Increasing the number of bathrooms and toilets and paying attention to the medical condition and cleaning of such facilities.

11. Providing special clothes for the prisoners, with having the name of the hosting prison and government on it, and providing uniforms according to seasons in Iraq hic is diffirent in humidity, temperature and climate, also to categorize the uniform according to the crimes committed.

12. Setting conditions on the food vendor companies to provide special meals for the patients and for those who need special diet, with taking into consideration the number of calories, the nutrition value and rate of fats in the meals. the management of the prisons should be very careful of the sources of food coming from outside the prison as in many cases prohibited materials like drugs, cellphones and other materials were found while they were trying to leak them to the inmates. Investigation committees were established on this issue in many prisons.

13. Increasing the number of exercising hours and imposing exercise on everyone to exercise on daily bases and organizing tournaments for the prisoners in the same prison and with other close prisons in the same area.

14. Take into account the number of inmates in the prisons when considering the health, and emphasizing to have hospitals according to the number of inmates that may be in some prisons we have thousands of them. With the importance of building a total health centers in terms of medical staff, Lounges, laboratory, X-ray and dental, medicine and ambulances.

15. Guarantee the constitutional right of access to free compulsory educational services, building schools for primary stages and take all measures facilitate getting education at different stages to the Universities and post graduate studies.

16. Assigning social researchers in all prisons, reformatories and detentions and increasing their number to be suitable with the number of prisoners, also encouraging the social researchers to apply for positions to work as social researchers inside the prisons by ensuring privileges and hazard allowances. Conducting a concrete review to the curriculum of universities and private colleges which graduate social workers by including subjects related to prisons and crimes, rehabilitation programs and supporting people with deviant behavior, with opening specialized courses on regular basis for the social researchers.

17. We recommend that the Administration of the prisons to issue clear and strict applicable disciplinary regulations to be applied on the prisoners and detainees. As beating and humiliating are considered as perfect crime, hence we emphasize on the necessity of applied law and referring those who commit the mentioned crimes to the special courts and not restricting the issue with administrative disciplinary punishments, as such punishments will not replace the punishment mentioned in the Iraq Penal Code for the person who use torture or ill-treat or misuse the authorities. We recommend that the prison management should make agreements with the universities for preparing studies and researches on the reasons which lead to committing suicide, escape and find solutions for them as the finding solutions for the crimes could be through getting to know the reasons behind it but not the results of the crimes.

18. Ensuring that the applied regulations shall be put in a visible location in all jails and cells, and to facilitate access to legal representation for all prisoners and detainees or those who arrested for terror charges because the right to access to a legal representation must be ensured for everyone regardless of the type of crimes they committed. Providing the libraries of the prisons with useful books

through requesting the universities and publishers to send versions of books and publications free of charge to the libraries of the prisons.

19. Constructing halls for family visits and activating the family visits with simple procedures, as many convicted prisoners are deprived from this right because they cannot secure a sponsor or cannot afford paying the bill of sponsorship. As the family visits can help in sorting out many problems inside and outside the prisons and such visits could replace the lack of facilities in the prisons for wife's and husbands to meet in a private location.

20. As the religious practices are allowed in the prisons, hence the administration of the prisons must not discriminate and must prepare appropriate locations for all religions like the ones prepared for Muslims.

21. Developing and improving the applied system of saving the properties and belongings of the prisoners in order to protect their quantities and values, and preparing special locations for the clothes of the prisoners and detainees, because gathering all of them in the corners of the room will decrease the space of the rooms and will make uncomfortable smell in addition to its uncivilized view when they are hanging their clothes on the walls.

22. for ensuring the safety and security of the prisoners during transferring them, it is important to make sure that they are transferred by special vehicles and not exposed to public, and when arriving at any institution it is important to make sure that they are not seen by others until the mission that they have been transferred for is over and returned to the prison.

23. applying speciale mechanisms, procedures, and conditions during the process of recruiting employees for the prisons in addition to the general conditions of employment, and this should be detailed, with emphasizing on the importance of using the good relationship with the international and national organizations for the sake of organizing workshop training of capacity building and develop the qualifications and organizing Training of Trainers TOT courses on different fields and areas (Human Rights, Self-Defense, Good Management, Rehabilitation Programs, Law, Health Care, Education, Socialetc.

24. We confirm that law does not impose neither on convicted prisoners nor detainees to do any type of work for the favor of the prison management, and if this seemed to be necessary then they should be paid for doing it, and we

emphasize on the necessity of the availability of different workshops and ensuring appropriate marketing for the products in coordination with the related ministries and parties with opening repairing factories, car wash and for fixing the government vehicles and washing them and this will save millions of dinars for the government.

25. The necessity of engaging female employees in the women prisons by training course on how to defend themselves, and encouraging women to be employed and work in the prison institutions by providing privileges, with emphasizing on the importance of ensuring kindergartens for the children whom are living with their mothers in the prisons, and respecting the full rights of the mentioned children as they have been deprived from their liberty forcibly without committing any offence.

26. Providing special location for the mental and psychological patients in the prisons, whether convicted or detained got the illness after sending them to the prisons, until a decision is issued to refer them to a specialized hospital. And with the necessity of referring such kind of cases to the medical committees and not restricting to the routines which usually delay reviewing the cases of such patients which could be dangerous on themselves, others and the management of the prison, with the importance of having special cells for homosexuals in the male and female prisons, as physical attacks and harassment cases have been reported against this type of persons by others.

27. The importance of ensuring that the applied regulations and systems have been put in all prisons and detention facilities as they are considered as instruments for the protection of rights and freedoms inside the prisons, therefore everyone shall have access to them.

28. Amending Law No. (104) of 1981 amended in a way ensures that the rights and freedoms mentioned in the international instruments related to prisons especially the (United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)- 2015 are detailed and included.

29. There is a need in the Kurdistan Region to legislate a law for ruling the prisons, detention facilities either by activating the Law No. 104 of 1981 amended, after making necessary amendments, or by legislating a special law for prisons in the Kurdistan Region, which is the idea that we are supporting.

30. We believe that prisons in Iraq are purely punitive institutions up to now with the attempts of some prison administrations to implement the reform programs, and if we look forward to make prisons as rehabilitation centers, building human and re-integration into the society and its necessary to fight the criminal phenomena, we should work to provide and implement rehabilitation programs seriously and creating the right environment to such difficult process.

31. In relation to following up the convicted persons after being released, this issue is very necessary because the Iraqi community until now do not accept the convicted persons in an appropriate way, and such kind of persons cannot live normally in the community after being released, hence, attention should be paid to this issue by following him and helping him to acclimate with the community again and prevent him to commit crimes again because such kind of persons are easy to be employed by the criminal gangs or bands.

32. In order to enable the related institutions to decrease and then to prevent the cases of returning to commit crimes, it is important to conduct researches and scientific and academic studies to know the actual reasons behind returning these people to commit crimes again to handling the criminal phenomenon through knowing their causes instead of their results, because addressing and finding solutions for the causes will prevent others as well from committing crimes, but addressing the crime and trying to find solution for it through its results, will only affect the perpetrator.

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