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# **Justice Network for Prisoners**

## **Annual Report**

**The human rights situation in prisons  
reformatories & detention centers in Iraq**

**2018**

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## Summary of Justice Network for Prisoners (JNP) Report on Human Rights Condition in the Prisons, Reformatories and Detention Centers in Iraq

This report covers the period of 1<sup>st</sup> January 2018 to 25<sup>th</sup> December 2018, covering 48 locations in 13 Iraqi governorates including prisons, detention centers and police stations which are run by different ministries and governmental bodies. During JNP visits to prisons, reformatory and detention centers, the following points have been recorded:

### Positive points:

1. 93% of prisons, reformatory and detention centers contain human rights offices.
2. 97% of prisons, reformatory and detention centers have been visited by UN, Red Cross and NGOs.
3. 100% of prisons, reformatory and detention centers contains registry of information.
4. 100% of prisons, reformatory and detention centers are monitored by cameras and direct observation.
5. In 87% of prisons, reformatory and detention centers hygiene kits are available.
6. 100% of prisons, reformatory and detention centers provide three meals a day.
7. 87% of prisons, reformatory and detention centers have plans to provide exercises and sunlight for prisoners.
8. 94% of prisons, reformatory and detention centers contain clinics or medical teams.
9. There are sociologists in 92% of % of prisons, reformatory and detention centers.
10. In 97% of prisons, reformatory and detention centers there are no physical torture.
11. In 87% of prisons, reformatory and detention centers there are no insult and verbal abuse.
12. In 3% of prisons, reformatory and detention centers there was attempted to escape.
13. 100% of prisons, reformatory and detention centers Shackles are not used except in transfer of the prisoners from one location to another.
14. 100% of prisons, reformatory and detention centers, the prisoners are aware of laws and regulations and they have right to meet lawyer and submit claims. They are also having access to news, watching TV and visit library.
15. 100% of prisons, reformatory and detention centers organize weekly visits to prisoners, four times a month.
16. In KRG reformatory centers there are family meeting in the reformatory, in some reformatory centers pairs can stay and meet together time to time.
17. 100% of prisons, reformatory and detention centers allow the practices of a religion.
18. In 97% there is no public transfer of prisoners in fort of people.

19. In 100% of prisons, reformatory and detention centers no hard work is imposed on prisoners.
20. 100% of women prisons, reformatory and detention centers are run by women.
21. 100% of prisons, reformatory and detention centers have their own instruction.
22. All prisons in Iraq, reformatory and detention centers are run administratively by the ministry of justice.

**Negative points:**

1. 70% of prisons, reformatory and detention centers are overcrowded. Some prisons exceed their capacity seven times.
2. 82% of buildings used as prisons, reformatory and detention centers are not suitable for life or reformatory process.
3. 100% of prisons, reformatory and detention centers are not applying category classification according to international standards. There is some initial classification such as classifying men, women, children and convicted people from arrested.
4. In 60% of prisons, reformatory and detention centers there is lack of access to sunlight and air change which led to breathing and skin diseases or lack of vitamin D.
5. 70% of prisons, reformatory and detention centers suffer from lack of bed and blanket.
6. In all prisons, reformatory and detention centers specific clothes for prisoners or uniform are not available.
7. In all prisons, reformatory and detention centers the meals provided are not according to required standards, the amount of calories or specific diseases such as diabetes and Hypertension are not taken into account.
8. 87% of prisons, reformatory and detention centers are unable to provide medical supplies or surgeries.
9. Only 32% of prisons, reformatory and detention centers provide primary education. 87% of prisons, reformatory and detention centers are not providing secondary education.
10. The ratio of sociologists in all prisons, reformatory and detention centers is lower than it's required.
11. 81% of prisons, reformatory and detention centers applying additional punishment such as; Solitary confinement, preventing from phone contacts or preventing from visits.
12. In 13% of prisons, reformatory and detention centers there were attempt of suicide.
13. In all prisons, reformatory and detention centers and because of lack of lockers, prisoners keep their own property with them.
14. Appointment of officials in all prisons, reformatory and detention centers is central, which means that there is no special conditions for appointing the staff.
15. In 88% of prisons, reformatory and detention centers there are no investment programs for prisoners.
16. 95% of prisons, reformatory and detention centers do not offer any useful vocation or career for prisoners.
17. 14% of prisons, reformatories and detention centers are receiving prisoners with psychiatric illness; this issue makes serious trouble for those centers.

18. 27% of prisons, reformatories and detention centres mental diseases infection between the prisoners during imprisonment period.
19. In KRG and after 27 years, there is no specific law for administering the reformatories.
20. In KRG all reformatory centres are linked to ministry of labour and social affairs, however, the reformatory centres must be run by ministry of justice as it is in Iraq.
21. In 27% of prisons, reformatories and detention centres use of drugs and forbidden pills have been registered.
22. 78% of prisons, reformatories and detention centres in both Iraq and Kurdistan region do not provide rehabilitation programs complies with international standards.
23. 100% of prisons, reformatories and detention centres do not Subsequent follow up programs after release of the prisoner.
24. In 91% of prisons, reformatories and detention centres return to crime phenomena exists and registered. This means the failure of reformatory centres in rehabilitation of prisoners.

### **JNP Recommendations in 2018**

Based on a number of questions directed to institutions related to prisons such as the Ministry of Justice, the Ministry of Labor, the Ministry of Interior, the Ministry of Education, the Ministry of Health and Public Prosecution offices in Prisons, reformatory and detention centers, JNP raised a number of recommendations and classified them according to relevant authority.

#### **1. The Judicial Authority in Iraq and Kurdistan Region:**

- a) The delay of trials, court decisions and arrest of people for simple reasons are the most important causes of overcrowding in prisons, therefore, JNP recommend the Supreme Judicial Council in Iraq and the Council of the judiciary in Kurdistan to address this issue and solve the problem of delay of trails and delay in court decisions as well as, the long term arrest in order to avoid overcrowding in the prisons.
- b) JNP recommend expanding the conditional release and reducing the imprisonment duration of juvenile and women from two thirds to half the period, while for men from reducing the period from three quarters to two thirds.
- c) JNP recommends release on bail and fines as much as possible instead of arrest and imprisonment for non-serious crimes which their punishment do not exceed one year.
- d) JNP recommends the extension of applying the system of suspension of punishment for non-intentional and non-serious crimes even if the punishment is more than one year.
- e) JNP recommends working on the possibility of introducing the system of postponement of the execution of the penalty in cooperation with the prison departments for non-serious crimes, especially crimes that their penalties exceed one year.
- f) Creating the post of judge of the implementation of the penalty and deliver this post to public prosecution authority, and to has the power to suspend the remaining penalty period if two of three of the period is completed.
- g) JNP recommends not arresting the accused people, instead the court may ban the accused to travel and the existence of a personal guarantor until a decision is issued by the competent courts.

- h) JNP recommends that people with special needs, juveniles and women be taken into consideration by imposing the minimum penalties prescribed in penal code articles.
- i) JNP recommends monitoring the committees formed in the prisons to punish the offenders and supervise those committees directly by the public prosecution and not to form or impose any penalty without a written approval of the public prosecution.
- j) JNP recommends that the courts and the judges of the investigation in particular give importance to the psychological situation of the prisoners, where we often see people who are mentally ill and have been imprisoned before medical teams.
- k) JNP recommends activating the Juvenile Welfare Board mentioned in Articles 6, 7 and 8 of the Juvenile Welfare Act No. 76 of 1983, in order to work on the competences mentioned in Article 8 of the aforementioned law.
- L) JNP recommends conducting field research studies to identify the causes of the criminal phenomena and the phenomenon of return to committing crimes, cooperation and coordination with the parties involved in addressing the causes, in order to reduce the burden on the courts.

## **2. The Legislative Authority in Iraq and Kurdistan Region:**

- a) JNP recommends the enactment of a law on alternative penalties (or alternatives to penalties for deprivation of liberty) and the replacement of those penalties with services for the public interest.
- b) JNP recommends reviewing the penal laws and re-looking at the penalties contained in them in order to mitigate the sanctions as much as possible and adapting them to international standards taking into consideration the philosophy of imposing sanctions, which aims to reform and rehabilitate convicted people.
- c) JNP recommends to the Iraqi Council of Representatives that a comprehensive review of the law of the administration of prisons should be legislated recently because there are many concerns about the law.
- d) JNP recommends the Parliament of Kurdistan of Iraq the need to enact a law for prisons and reformatories administration in the Kurdistan Region.
- e) JNP recommends that the legislative authority should cooperate and coordinate with the Judicial Council when enacting laws, amending, or abrogating any legal article, and expediting the filling of every legislative vacuum that reflects the work of the new laws.
- f) JNP recommends creating the post of judge of the implementation of the penalty and delivers this post to public prosecution authority, and to have the power to suspend the remaining penalty period if two of three of the period is completed.
- j) JNP recommends that a file of allegations of torture, ill-treatment, inhuman or degrading treatment be placed under punitive laws in punitive due to the large number of international reports and recommendations of the member states of the Human Rights Council.

## **3. The Executive Authority in Iraq and Kurdistan Region:**

- a) JNP recommends the need to address the phenomenon of overcrowding in prisons and reformatory centres by building modern prisons with special designs for buildings taking into consideration the living aspects in terms of prison space, eating places, bathrooms, sanitary facilities, and places of storage, for health improvement appointing medical staffs, providing medicines and other supplies and places of sport and solarisation. In educational filed, offering

workshops to teach useful careers and the application of qualifying programs and assessment and social reintegration, schools and the creation of conditions for the completion of studies and encouragement. For people with special needs the needs of sleep, study, care, health facilities, baths, etc. For women and children with their parents, the need to have nurseries, kindergartens and places of their own in prisons and correctional, taking into account that the building of the prison in a place far from residential neighbourhoods and high buildings and take into account the security aspect.

b) JNP recommends that special instructions should be issued by the ministries supervising prisons, reformatories and detention centres for the procedures of NGO visits and simplifying them as much as possible after verifying the legal registration of the organization in Iraq.

c) To ensure that the various criminal groups are not connected to each other so that prisons do not serve as schools for the teaching of criminality and the formation of criminal gangs, JNP recommends that classification of prisoners be complied with in accordance with international standards and not only the existing classifications (gender, age group and legal status), as each category and each crime needs special programs so there should be more accurate classification and more complex than it is now.

d) JNP recommends the need to speed up the development of rehabilitation programs for the convicts, each according to his/her crime, in order to qualify the perpetrators of the crimes during the period of judgment in terms of intellectual, physical, psychological and professional return to the community as an active and useful individual, developing the program to cover the period of release for the prison or reformatory which is called subsequent care for integration.

e) JNP recommends that the monitoring system within the prisons be implemented through cameras, as well as direct monitoring, in order to follow the convicts and detainees.

f) JNP recommends that a reasonable budget should be provided to the prison departments to deal with the problems that arise on a daily basis and to address the problem of official correspondence especially for immediate and urgent matters.

g) JNP recommends that the authorities concerned with the administration of prisons and correctional institutions should provide clothing and allowances that carry the indications of classification among the prisoners e.g. the white clothes for the detainees, the blue clothes for the convicts, the red clothes for the categories classified as dangerous.

h) JNP recommends that prison administrations, when making food service contract for prisons, take into account the quality and validity, rate of calories, special foods for people with diabetes or high blood pressure etc., in addition to intensifying control of their work in terms of quantity and type of the food.

i) JNP recommends to the prison administrations the need to take more effective measures to prevent the introduction of some substances and drugs classified as narcotic substances, which often come through prisoner's visitors, strict control of the meals that are brought by visitors as well as the amounts of money that is given to the prisoners by their visitors.

j) JNP recommends that the Ministry of Health take into account the health services particularly in prisons because prisons are different from transfer centers in term of the number of prisoners and the period of residence. Therefore, we recommend that the health centers in prisons and reformatory facilities take into account the capability of the medical staff, health, pharmaceutical and other supplies.



k) JNP recommends the Ministry of Education to develop the educational aspect in prisons and not only to the primary or basic stages of the study and to provide the requirements, encourage the prisoners to complete their study as education is an important part of rehabilitation programs, we also recommend giving importance to libraries in prisons, which are often lacking in the diversity of scientific and cultural materials.

l) JNP recommends that the ministries concerned with the administration of prisons and reformatory centers give great importance to the subject of sociologists and psychologists in terms of number and in terms of providing the appropriate ground for their work. The prison institution cannot be called "reformatory" unless the sociologists and psychologists have the role of Rehabilitation and evaluation of prisoner's situation, and subject them to trainings to strengthen and develop their skills.

m) JNP recommends to the prison administrations to encourage sociologists and psychologists to conduct quarterly and annual studies on the causes of suicides and escape attempts, as well as the non-response of people to rehabilitation programs, regulations and prison instructions in coordination with other bodies such as universities, - NGOs specialized in the field of scientific, legal, criminal, medical, etc.

n) JNP recommends the prison administrations (except Kurdistan Region) to address the problem of family reunion whether by providing the places and supplies for the family in prisons and reformatory centers or applying the system of home leave as in the Kurdistan Region, which it helped solve many problems In addition to being a factor in maintaining communication between the family members.

o) JNP recommends that the concerned authorities of the prison administrations should impose special conditions for employment of the staff in the prisons. As prisons are not ordinary institutions, so the employment issue must be subject to additional conditions.

p) JNP Recommends to the prison administrations to work on the side of providing production workshops (industrial and agricultural) and different repair workshops, through which to ensure the work of the prisoners and improve their financial situation.

#### **4. Non-governmental bodies in Iraq and the Kurdistan Region:**

a) JNP recommends that the bodies responsible for monitoring the human rights situation in Iraq need to open offices in prisons and reformatory centers to observe the situation on a daily basis, or the need for periodic visits to all prisons, reformatory centers.

b) JNP recommends the existence of cooperative relations between the High Commission for Human Rights and the Independent Commission for Human Rights, other committees and bodies concerned with the sector of prisons with NGOs (international and local) to work on the formation of joint committees to unify their efforts to issue joint reports on the human rights situation in Prisons.

c) JNP recommends that the relationship referred to in point (b) above should be strengthened in the exchange of reports and international, regional and local participations as well.