



Kurdistan Regional Government

Presidency of Council of Ministers

KRG Office of the Coordinator for International Advocacy (OCIA)

**A Report on the Situation of Kirkuk after the Announcement of 2021
Iraqi Election's Preliminary Results**

December 2021

Introduction

After the preliminary results of the Iraqi election – which was held on October 10 – were disclosed, the Kurdish citizens of Kirkuk poured to the streets to express their joy and celebration for the electoral victory. Some subversives diffused into the peaceful gathering and started to fire bullets to the sky. This ruined the celebrations and, in turn, the security forces twisted it to launch a random arrest campaign in the Kurdish neighborhoods such as, Rahimawa, Shurija, Darwaza, Iskan, Azadi, Panja Ali, and Kurdistan. The security personnel deployed extensive forces with heavy weapons and military machineries. The arrests lacked foundational legal basis and merely targeted Kurdish civilians.

The day after the announcement of the preliminary results in the city of Kirkuk, the masses and supporters of winning parties celebrated the victory, but some parties such as the Popular Mobilization Forces (PMF) couldn't digest the low number of votes casted in their favor in the city; therefore they joined the gatherings for the purpose of subversion, vandalism, and abusing the peaceful celebrators. Even though the Kurdish youths were practicing their basic rights by performing these celebrations, the Kurdish party officials called their supporters to break the gathering in order to avoid escalations.

The security forces there believed that the subversives were supporters of the Kurdish parties, and consequently arrested a number of the peaceful celebrators. Hours later, a number of video clips surfaced, showing that in the wake of the riots, people affiliated to the Kurdistan Workers Party (PKK), PMF and others were among the celebrators waving flags and chanting. Hence, the security forces were convinced that the celebrations were purposefully tossed off their normal course.

Number of People Arrested

On the night of 13-14 October in the neighborhoods of Shurja and Rahimawa, about 80 Kurdish citizens were arrested by the security forces, fifty of whom were charged with violating Article 222 of the Iraqi Penal Code. But without any thorough investigation about the actual numbers, the Kirkuk police chief stated that only 36 people were arrested.

Arrest Warrants

The youths were arrested without a court order; but pursuant to the order of the Joint Operations Command of Kirkuk. The city has been under military rule since October 16, 2017. About ten volunteer lawyers decided to provide legal defense to the youths, and reported that they were charged with the violation of Article 222 of the Iraqi Penal Code.

Article 222 (1) of the Iraqi Penal Code of 1969 states that:

If the intent of the gathering is to commit a felony or misdemeanor or to prevent the implementation of laws, regulations or decisions or to influence the affairs of the public authorities or to deprive another of his freedom of action with the use of force or menaces, then any person who calls for such a gathering or organizes it or who participates in it while being aware of its objective or any person who remains at it after having become aware of the objective is punishable by a period of detention not exceeding 2 years plus a fine not exceeding 200 dinars or by one of those penalties.

Torture and Other Cruel, Inhuman or Degrading Treatment

Those arrested on the first night were subjected to torture, and physical abuse was reported. Traces of beating and electric cables were apparent on their bodies.

Evidence of violence and Torture

Yes, there is video footage of the attacks and raids on homes, in addition to photos of a number of people who have been physically abused. Some photos that show ill-treatment of the people in question are attached to our report.

The Forces Involved in Arresting the Youths

The crackdown on Kirkuk's youths was carried out by the Iraqi Prime Minister's Sixty-One Brigade, the Iraqi Army, local police, the national security apparatus and the Swat Police. The people arrested were later handed over to the Azadi and Rahimawa police stations.

Attempts to liberate Kurdish youths detained in Kirkuk

On October 13, 2021, the Prime Minister of the Kurdistan Region, Mr. Masrour Barzani, and the Prime Minister of the Iraq, Mr. Mustafa Kazmi, had a telephone conversation. The Kirkuk situation was discussed, focusing on attempts to ruin the post-election process by some people. Both agreed nobody should be allowed to cause chaos or harm people and property - and crucially that this Kirkuk security threat must be stopped. Prime Minister Kadhimi decided to release all those arrested.

More than 80 Kurdish youths were arrested in the military campaign and they were charged with violation of the Art 222 of the Iraqi Penal Code – which attributes detention and fine to individuals who participate in gatherings that allegedly leads to “a felony or misdemeanor or prevents the implementation of laws”. They were later released on bail for 3,000,000 each and after forcefully signing letters promising that they won’t take part in any gathering for six months. One of the detainees, identified as Barzan Ali Jabbar, has

been charged under Article 229 of the Iraqi Penal Code for allegedly speaking to the Iraqi forces during the celebration in a disrespectful manner.

Article 229 states that:

Any person who insults or threatens an official or other public employee or council or official body in the execution of their duties or as a consequence of those duties is punishable by a period of detention not exceeding 2 years or by a fine not exceeding 200 dinars. The penalty will be a period of detention not exceeding 3 years plus a fine or by one of those penalties if such insult or threat is directed at a judge or legal or administrative court or council carrying out a legal function in the execution of their duties or as a consequence of those duties.

More details about the Arrests

The youths were detained by Iraqi forces with their belongings, mobile phones and motorcycles, their clothes were torn off, and they were mentally and physically abused. Some citizens did not even take part in the celebrations, but were arrested merely because of their affiliation to the winning parties.

Furthermore, the security forces fired live bullets to the sky in order to disperse the gatherings and assaulted the celebrators. In the next morning, the security agencies raided the houses of a selection of houses in some Kurdish neighborhoods in Kirkuk. Among them, Barzan Latif Mohammad, a Kirkuk-based KRG police officer who slammed the crackdown in a TV interview and Nashwan Abdulla, who was not even in Kirkuk that night.

When entered into Barzan's house without presenting a warrant, the security forces seized the cameras of his house and injured his wife, Munira Nizam. The security forces transferred Nashwan and Barzan to the Rahimawa police station and for the next day took them to a court, where they brought four soldiers from Brigade 61 as eyewitnesses who testified that the two persons in question fired bullets during the celebrations. The soldiers also placed a number of bullet shell casings in two water bottles and attached each one of them to Nashwan and Barzan's necks.

The military judge decided to detain Nashwan and Barzan for ten days each. Nevertheless, after pressures and a decision from the Iraqi Prime Minister, the arrested and detained people in Kirkuk were released on bail.

In the aftermath of the incident, the security forces moved heavy weapons into the Kurdish-populated areas, disrupting the lives of civilians. Military checkpoints have also been set up in the streets and markets of these neighborhoods for a week, closing the

shops of the citizens for two days thus preventing the breadwinners in these areas to make a living and the inhabitants to obtain their daily needs. The security forces were also gathering information about the journalists who had covered the celebrations and were trying to arrest them.