

The Protesters who Burned Down Public Properties in Peramagroon are Released on Bail

February 23, 2022

HRW raised concerns in relation to the release of footage by KRG security forces in early January that depicted the confessions of some detainees who were charged with vandalism in Peramgroon district, Sulaimani. Below are some comments to elucidate the legal implications in this regard:

The suspects detained following an order from the investigative judge are invariably dressed in orange jumpsuits in adherence to the charges and the corresponding legal stipulations. This procedure also applies for the detainees who have their papers transferred to the court. Furthermore, there are no laws or regulations to determine the uniforms of the detainees, nor are there legal references to prohibit orange jumpsuits. When being transferred to the courts for trials, it is a procedure that the detainees wear these orange jumpsuits and there have been no objections or observations so far in relation to any case.

International organizations and agencies, including ICRC, in addition to the Independent Commission of Human Rights in the Kurdistan Region and the Public Prosecutor, have unfettered access to the detention facilities.

The demonstrations in Peramagroon on November 24, 2021 took a radical turn towards violence and vandalism. As a result, several protesters were arrested who had an explicit role in burning down public and private properties. Hence, the security apparatus found it necessary to release the footage of the confessions to the public in order to disclose the true picture of the incidents. Nevertheless, the detainees had their faces hidden in the footage and their names were not disclosed; this happened to avoid defamation. Moreover, the footage did not affect the investigation process. The suspects were arrested following an order from the Investigative Judge.

According to Article 123 from the Iraqi Criminal Procedure Law No 23 (1971), the Investigative Judge is obliged to ask the suspect if s/he wants a lawyer to be present during interrogation and before giving the plea. If the suspect couldn't afford it, the court will provide a lawyer for legal counsel. These procedures were fully implemented by the investigative judge. However, the suspects refused legal counsel when they gave their statements. They had family visits and phone calls throughout.

There were 27 suspects in detention. Currently, they are released on bail and their papers are transferred to the court.