

January 24, 2021

Statement in Response to Human Rights Watch (HRW) “World Report 2021”: KRG Remains Dedicated to Preserve and Implement Democratic Principles

In the Iraq section of the Human Rights Watch (HRW)’s “World Report 2021”, several allegations were attributed to the Kurdistan Regional Government (KRG). The allegations primarily revolve around curbing freedom of speech and expression, restricting freedom of movement, and subjecting under-age ISIL affiliated persons to trials.

HRW published their “World Report 2021” on January 13, 2021, separately summarizing the alleged violation of human rights in several countries. In the Iraq section of the report, HRW demonstrated a number of accusations with regard to the KRG which we believe that they are unsubstantiated and ambivalent. Each accusation was elucidated throughout 2020 subsequent to the release of HRW newsletters.

The first allegation posed asserts that peaceful protests were silenced in the Kurdistan Region. Kurdistan Parliament Act No. 11 of 2010 allows for organizing protests in the Kurdistan Region. According to the Act, people are constitutionally and legally allowed to protest. People are permitted to express their views and deliver their demands as long as they remain legally bound and follow some procedures in the benefit of common good and avoid violence and vandalism. The security forces must prevent chaos and vandalism that might threaten the lives, property, or resources of the citizens. In case of violations against the law, such as violence or extension of the designated protest duration, security forces are legally obliged to intervene and end the protests in a civil manner for the interest and security of the protestors and the public to reduce threats on human lives and public property. Similarly, the relevant laws prohibit the security forces from abusing its authority and using force against the protestors.

HRW further alleges that certain laws were utilized to curb free speech. This assertion is poorly inferred. The laws in place are invariably enforced in an utter adherence to democratic principles, and they are enacted in diligence and deliberation. Practicing journalism in the Kurdistan Region is organized by law. According to Law No. 35 of 2007, a journalist can be held in custody only by a court order in parallel with the realization from the Kurdistan Journalists Syndicate. According to the above legislation, security forces do not directly deal with the journalists in acts of abuse, and enforcement of law only occurs when the court determines the action to be taken. In cases of defamation, spreading violence, distortion of properties, Iraqi Penal Code No. 111 of 1969 will be implemented.

Moreover, the HRW report states that 11 ISIL-affiliated children were prosecuted in the Kurdistan Region. The situation in the detention facilities in the Kurdistan Region is monitored and enhanced by international counterparts, including the International Committee of the Red Cross (ICRC) and United Nations Assistance Mission for Iraq

(UNAMI). The latter also represents the Office of the High Commissioner for Human Rights (OHCHR). The children have been treated as victims rather than criminals, and are placed in shelters where decent care is provided. The juveniles and women, who are convicted of being ISIL affiliates, are held in the Reformatory Center. Furthermore, KRG provides lawyers for those who are financially incapable to afford one. UNICEF assigned lawyers to observe the cases of the detainees. In addition to the lawyers that are provided for the detainees by the government, the Erbil Women and Juveniles Reformatory Center has worked with the civil society on multiple occasions to provide volunteer/non-volunteer lawyers for the terrorism child detainees.

Finally, HRW alleges that KRG prevented some communities residing in the Kurdistan Region to return to the liberated areas, thus putting restrictions on the freedom of movement. There have been infiltrations of members of ISIL from Syria to the lands of Rabia and Zummar, and there are ISIL sleeping cells that hinder the process of returning part of the families. Furthermore, the presence of Peshmerga forces is indispensable for local peace and stability, and this initiative will incentivize the families to return to their homes.

Nevertheless, there is a consistent coordination between KRG and Mosul governorate to continue the return of the remaining IDPs, and KRG's Ministry of Interior supervises this coordination. The IDPs submit a request to the host governorate to return to their homes, and afterwards the request is forwarded to the relevant parties for approval. The overwhelming majority of the return families are still concerned about the security situation in their original, and the destruction of their properties in the liberation process in 2016 and 2017. These concerns have been addressed in the meeting between KRG and Mosul Governorate in February 2020, in which they agreed that the returnees should be registered and documented, the security situation in the area should be assessed, and the process should be coordinated by KRG, Federal and the local authorities.

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