

August 11, 2020

Statement by KRG Office of the Coordinator for International Advocacy (OCIA)

The Deliberate Bias of HRW against KRG Must Be Stopped

On August 7, 2020, Human Rights Watch (HRW) published its submission to the UN Human Rights Committee in advance of its review of Iraq. This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Iraq, submitted to the United Nations Human Rights Committee in advance of its review of Iraq in October-November 2020.

In this respect, KRG's Office of the Coordinator for International Advocacy (OCIA) shares the below statement:

We thank the HRW for its dedication towards noble values we all share. That being said, we remind that those values are universal and there is no monopoly over their interpretation or over the adherence to those values that are enlightening and important for all, especially in chronic conflict zones. HRW and the Kurdistan Regional Government (KRG) are not in opposite sides, and the KRG should not be depicted as acting within the wrong one.

The KRG supports the presence of the humanitarian actors on its territory, protects them more than any of its surroundings, guarantees their freedom of speech and criticism and encourages the dialogue with them.

This leads to three types of emphasis the KRG in its turn, urges the humanitarian actors to respect from their behalf. Three pillars that should guide any advocacy act, be it a query or a recommendation, a condemnation or a proposal, addressed to the KRG. First, the report should adhere to factual reliability and credibility. The preliminary report alleges the occurrence of war abuses, for example. KRG repudiates any instance of forced disappearance and abduction during the war against terrorism. KRG also asserts that these actions are against the principles and values by which it governs, and the warm hospitality of IDPs and refugees during the challenging times, among other humanitarian initiatives and the accompanying international recognitions, are undeniable evidences that verify this stance. Peshmerga and KRG security forces have selflessly strived to protect people in the hot spots regardless of ethnicity and religion.

Second, the remarks also refer to the legislations that run the institutions of KRG, and their corresponding execution. As far as the allegations of arbitrary arrests and torture are concerned-which are mentioned in the submission KRG rejects those claims in their entirety. Under the custody of the Asayish, the detainee can be held for a duration of 24 hours or until the investigations are finalized and a hearing for the detainee in front of a judge is held in the Asayish's premises. However, in the event that further evidence is needed before the case goes on trial, the investigation period maybe extended on orders

from the judge. According to Iraqi Penal Code, No. 111 (1969), after the order of arrest from the court, the accused will be detained by the court and all the legal actions will be taken according to the Iraqi Code of Criminal Procedures No. (23), 1971. Furthermore, the KRG Ministry of Interior does not have the authority to arrest anyone without a court order. According to Article (19), paragraph 12/1 of the Iraqi Constitution, internal arrest is forbidden and the power of arrest is preserved by the judiciary.

Finally, KRG does not compare its values and standards to other parties and is well aware it is commended for its actions in all international ratings compared to its surroundings.

Overall, HRW, being based in the Kurdistan, has to have a realistic view over the context in which they live and operate, its cultural taboos, public perceptions and suspicions (i.e.: towards: media; evolving values; changes in political systems and demography etc.) and the limits of possible for Authorities that are wrongly perceived as almighty, arbitrary and authoritarian. Kurdistan is committed via the Federal Authorities and often more (i.e.: death penalty moratorium, LGBT safety) to international conventions.

Furthermore, HRW should refer to KRG's statements previously sent to the former and ignored in the report, corroborated by the ICRC and the UNAMI, as per the alleged isolation of children, as well as other detainees, from their beloved ones. Their physical and mental dignity is preserved according to the ICRC/UN standards and international conventions (indeed, with some rooms for improvement, which unfortunately keeps humanitarian actors busy).

We strongly think that times and again, those emphasis should be reminded and we deplore relapses on that, which are perceived as a growing bias against the KRG. Furthermore, we request profound alterations in the submission before publishing the comprehensive report in two or three months.

KRG Office of the Coordinator for International Advocacy (OCIA)