



**Iraq's Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Suggested List of Issues Relating to the Death Penalty**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status with ECOSOC since 1996

**Abolition Death Penalty of Iraq Organization**

and

**The World Coalition Against the Death Penalty**

**for the 82nd Session of the Committee Against Torture  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**Abolition Death Penalty of Iraq Organization** is an alliance of more than 160 NGOs, bar associations, local authorities and unions and was created in Rome on 13 May 2002. It was created as a result of the commitment made by the signatories of the Final Declaration of the 1st World Congress Against the Death Penalty organized by the French NGO Together Against the Death Penalty (ECPM) in Strasbourg in June 2001. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its objective is to obtain the universal

abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**The World Coalition Against the Death Penalty** is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report addresses Iraq’s compliance with its human rights obligations with respect to the death penalty. The number of recorded death sentences in Iraq has increased from at least 41 in 2022 to at least 139 in 2023.<sup>1</sup> At least 8,421 people were known to be under sentence of death at the end of 2023.<sup>2</sup> According to Amnesty International, at the end of April 2024, as many as 150 people were at imminent risk of execution after President Abdul Latif Rashid reportedly ratified their death sentences,<sup>3</sup> and Iraq was one of the top three executing countries in the Middle East and North Africa region in 2023.<sup>4</sup>
2. On September 25, 2024, authorities in Nasiriyah executed 21 people (including one woman) for terrorism-related offenses; the execution was reportedly the largest mass execution in many years.<sup>5</sup> In April 2024, authorities in the same prison executed 13 men for terrorism-related offenses.<sup>6</sup> An independent human rights observatory in Iraq has documented a surge in “secret executions” in 2024, including 63 in May/June and 50 in September.<sup>7</sup>
3. The high number of executions in 2023 and 2024 is particularly concerning in light of evidence of the use of torture in coercing confessions related to crimes punishable by the death penalty, the judiciary’s reluctance to investigate allegations of torture, allegations of unfair trials, and a lack of transparency in court proceedings.

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<sup>1</sup> Amnesty International Global Report, *Death Sentences and Executions 2023* (May 2024), at 12. Available online at <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>.

<sup>2</sup> Amnesty International Global Report, *Death Sentences and Executions 2023* (May 2024), at 29. Available online at <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>.

<sup>3</sup> *Iraq: At Least 13 people executed amid alarming lack of transparency*, Amnesty International (Apr. 24, 2024), <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>4</sup> *Global: Executions soar to highest number in almost a decade*, Amnesty International (May 29, 2024), <https://www.amnesty.org/en/latest/news/2024/05/global-executions-soar-highest-number-in-decade/> (accessed Dec. 5, 2024).

<sup>5</sup> *Iraq hangs 21 people convicted over terrorism charges*, Iraqi News, Sept. 25, 2024, <https://www.iraqinews.com/iraq/iraq-hangs-21-people-convicted-over-terrorism-charges/> (accessed Dec. 5, 2024); *see also Iraq executed 21 people convicted of terrorism on Wednesday, two security sources say*, Reuters (Sep. 25, 2024, 12:53 PM EDT), <https://www.reuters.com/world/middle-east/iraq-executed-21-people-convicted-terrorism-wednesday-two-security-sources-say-2024-09-25/> (accessed Dec. 5, 2024); *Iraq Hangs 21 Mostly On 'Terror' Charges: Security Sources*, Barron’s (Sep. 25, 2024), <https://www.barrons.com/news/iraq-hangs-21-mostly-on-terror-charges-security-sources-b97bf443> (accessed Dec. 5, 2024).

<sup>6</sup> *Iraq: At Least 13 people executed amid alarming lack of transparency*, Amnesty International, (Apr. 24, 2024), <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>7</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

## **Iraq fails to uphold its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **I. The criminal legal system continues to sentence people to death and carry out executions, including in cases involving foreign nationals (Concluding Observations Paragraphs 30-31).**

4. In its 2022 Concluding Observations, the Committee indicated federal courts continued to sentence people to death, including foreign nationals, and there was a “lack of comprehensive data and information on legal safeguards in that regard.”<sup>8</sup> The Committee further expressed concern that courts were “prevalently hand[ing] down [death sentences] under the counter-terrorism legislation.”<sup>9</sup> The Committee separately observed that authorities in the Kurdistan Region had violated the region’s *de facto* moratorium on the death penalty violated multiple times in 2015-2016.<sup>10</sup> In light of these observations, the Committee called on Iraq to institute “a moratorium on the application of the death penalty” and to make further efforts “to commute all death sentences into alternative penalties.”<sup>11</sup>
5. Iraq, however, has resisted any efforts to move toward a moratorium or commute death sentences. In its 2023 follow-up to the 2022 Concluding Observations, Iraq contended that the death penalty “exists because of the extraordinary security situation that the country is facing and it is a response to acts of terrorism.”<sup>12</sup> Iraq also asserted that the death penalty “provides justice to scores of victims of violence and terrorism.”<sup>13</sup> Iraq noted that Kurdistan had suspended use of the death penalty and suggested authorities in the region had imposed it only in “very rare cases involving major crimes that shook society and that were a matter of significant public concern.”<sup>14</sup>
6. Iraq asserts that it imposes the death penalty only for “the most serious crimes,” such as “murder, crimes against the internal or external security institutions of the State and acts of terrorism,”<sup>15</sup> Iraq continues to impose death sentences for, among other acts, drug offenses. According to Harm Reduction International (HRI), courts sentenced 3 people to death for drug-related offenses in 2022 and over 20 people in 2023, amounting to a quarter of the death sentences HRI was able to confirm for that year.<sup>16</sup> At least two of these sentences in 2023

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<sup>8</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 30.

<sup>9</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 30.

<sup>10</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 30.

<sup>11</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 31.

<sup>12</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 54 (received May 11, 2023).

<sup>13</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 54 (received May 11, 2023).

<sup>14</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 57 (received May 11, 2023).

<sup>15</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 54 (received May 11, 2023).

<sup>16</sup> Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2023*, (2024) at 12, 17. Available online at <https://hri.global/wp-content/uploads/2024/03/HRI-GO2023-finalfinal-WEB.pdf>.

involved foreign nationals.<sup>17</sup> HRI believes that these numbers may be significantly understated, noting that Iraq’s Director General for Drug Affairs “anticipated as [many] as 50 ‘drug traffickers’ to be sentenced to death by the end of 2023.”<sup>18</sup>

7. Over the last year, authorities seem to have stepped up executions. Human Rights Watch reported that on December 25, 2023, authorities in the Nasiriyah Central Prison carried out 13 executions, an event considered to be “the first mass execution since 21 men were executed on November 16, 2020.”<sup>19</sup> According to Amnesty International, authorities in the same prison carried out at least another 13 executions on April 22, 2024.<sup>20</sup> On September 25, 2024, authorities carried out another mass execution of 21 people.<sup>21</sup> The coauthors have received information suggesting that the case arose not out of terrorism, as the charges suggested, but as a government response to the events of the October 2019 Uprising.<sup>22</sup> One of the people executed was a woman who had been accused of being part of the Islamic State organization.<sup>23</sup>
8. A particular concern is so-called “secret” executions.<sup>24</sup> In June 2024, Human Rights Watch reported that AFAD—“an independent group that monitors human rights abuses in Iraq”—had

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<sup>17</sup> Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2023*, (2024) at 17. Available online at <https://hri.global/wp-content/uploads/2024/03/HRI-GO2023-final-final-WEB.pdf>.

<sup>18</sup> Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2023*, (2024) at 17. Available online at <https://hri.global/wp-content/uploads/2024/03/HRI-GO2023-final-final-WEB.pdf>; Amnesty International Global Report, *Death Sentences and Executions 2023* (May 2024), at 29. Available online at <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>.

<sup>19</sup> Human Rights Watch, Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024). Additionally, according to Amnesty International, these executions on December 24 had also been confirmed to the media by what they described as “security sources”. Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency*, Apr. 24, 2024, <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>20</sup> Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency*, Apr. 24, 2024, <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>21</sup> *Iraq hangs 21 people convicted over terrorism charges*, Iraqi News (Sept. 25, 2024), <https://www.iraqinews.com/iraq/iraq-hangs-21-people-convicted-over-terrorism-charges/> (accessed Dec. 5, 2024); *see also Iraq executed 21 people convicted of terrorism on Wednesday, two security sources say*, Reuters (Sep. 25, 2024, 12:53 PM EDT), <https://www.reuters.com/world/middle-east/iraq-executed-21-people-convicted-terrorism-wednesday-two-security-sources-say-2024-09-25/> (accessed Dec. 5, 2024); *Iraq Hangs 21 Mostly On ‘Terror’ Charges: Security Sources*, Barron’s (Sep. 25, 2024), <https://www.barrons.com/news/iraq-hangs-21-mostly-on-terror-charges-security-sources-b97bf443> (accessed Dec. 5, 2024).

<sup>22</sup> Email communication, Dec. 15, 2024, on file with The Advocates for Human Rights.

<sup>23</sup> *Iraq hangs 21 mostly on “terror” charges: security sources*, Arab News, Sept. 25, 2024, <https://www.arabnews.com/node/2572758/middle-east>; *Global: Executions soar to highest number in almost a decade*, Amnesty International (May 29, 2024), <https://www.amnesty.org/en/latest/news/2024/05/global-executions-soar-highest-number-in-decade/>.

<sup>24</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024); *see also* Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency*, Apr. 24, 2024, <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024) (noting that “Amnesty International is concerned that many more people may have been executed in secret amid a disturbing lack of transparency regarding executions in Iraq in recent months.”).

determined that in recent weeks, Iraqi authorities had carried out 63 executions “that had not been publicly announced.”<sup>25</sup>

9. The Minister of Justice denies these allegations of “secret” executions.<sup>26</sup> According to Human Rights Watch, “[t]he Iraqi government does not publish official statistics on executions and would not provide them despite multiple requests.”<sup>27</sup> Therefore, it is possible that the actual number of executions is much higher than reported figures, and civil society in Iraq is not able to carry out sufficient monitoring or oversight.

## **II. Courts often sentence people to death after proceedings that lack due process and fair trial guarantees, and they rely on confessions that have been obtained through torture and ill-treatment (Concluding Observations Paragraphs 14, 30).**

10. The Committee in its 2022 Concluding Observations expressed concerns that death sentences are “often accompanied by a lack of due process and fair trial guarantees.”<sup>28</sup> It also referred to reports that “despite the existing legal provisions regarding the inadmissibility of evidence obtained by unlawful means, coerced confessions are reportedly admitted as evidence in court, notably in terrorism-related cases.”<sup>29</sup> As noted in paragraph 2 above, many recent executions have been for persons convicted of terrorism-related offenses.<sup>30</sup>
11. The Committee recommended that Iraq “strengthen legal safeguards and guarantees of due process in all phases of the proceedings and concerning all offences.”<sup>31</sup> It also called for Iraq to “ensure in practice that confessions obtained through torture or ill-treatment are ruled inadmissible and that such cases are investigated” and for information to be provided “on any cases in which confessions were deemed inadmissible.”<sup>32</sup>

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<sup>25</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

<sup>26</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

<sup>27</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

<sup>28</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 30.

<sup>29</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 14.

<sup>30</sup> *See Iraq hangs 21 people convicted over terrorism charges*, Iraqi News, Sept. 25, 2024, <https://www.iraqinews.com/iraq/iraq-hangs-21-people-convicted-over-terrorism-charges/>; *Iraq executed 21 people convicted of terrorism on Wednesday, two security sources say*, Reuters (Sep. 25, 2024, 12:53 PM EDT), <https://www.reuters.com/world/middle-east/iraq-executed-21-people-convicted-terrorism-wednesday-two-security-sources-say-2024-09-25/> (accessed Dec. 5, 2024); *Iraq Hangs 21 Mostly On 'Terror' Charges: Security Sources*, Barron's (Sep. 25, 2024), <https://www.barrons.com/news/iraq-hangs-21-mostly-on-terror-charges-security-sources-b97bf443> (accessed Dec. 5, 2024); *Iraq: At Least 13 people executed amid alarming lack of transparency*, Amnesty International, Apr. 24, 2024, <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>31</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 31.

<sup>32</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 14.

12. Iraq claims that it carries out the death penalty “only . . . pursuant to a presidential decree and in accordance with the procedures set out in the Criminal Code.”<sup>33</sup>
13. Human Rights Watch has documented executions carried out “without prior notice to lawyers or family members and despite credible allegations of torture and violations of the right to a fair trial.”<sup>34</sup> It reported in January 2024 “that at least 150 prisoners at the Iraqi Nasiriyah Central Prison were facing imminent execution without warning.”<sup>35</sup> On the day before the mass execution in December 2023, prison authorities “unexpectedly called out” the names of the 13 people to be executed “on the loudspeaker inside the Nasiriyah Central Prison.”<sup>36</sup> Another person held at Nasiriyah reported that prison authorities did “not allow[ those people] to call their families or lawyers before they were executed.”<sup>37</sup>
14. Amnesty International reports that 11 of the 13 people executed on April 22, 2024, had been “convicted on the basis of affiliation to the so-called Islamic State.”<sup>38</sup> Attorneys for the other two people stated that authorities had subjected both clients to torture and had coerced them into signing documents they were not permitted to read, and the court subsequently treated those documents as confessions and sentenced them to death.<sup>39</sup>
15. Even though the law requires Iraqi courts to investigate all allegations of torture, authorities often ignore such allegations, and courts use confessions allegedly made under the influence of torture as a basis for death sentences.<sup>40</sup>
16. Coerced confessions are particularly troubling in cases involving alleged terrorism. One report described such trials as “rushed, based on forced confessions, and without the victim’s

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<sup>33</sup> Committee Against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 54 (received May 11, 2023).

<sup>34</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

<sup>35</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

<sup>36</sup> Astha Rajvanshi, *13 Men Suddenly Executed in Iraq as the Country Resumes Mass Executions*, Time (Jan. 26, 2024, 1:28PM EST), <https://time.com/6589057/iraq-mass-executions-capital-punishment/> (accessed Dec. 5, 2024).

<sup>37</sup> Astha Rajvanshi, *13 Men Suddenly Executed in Iraq as the Country Resumes Mass Executions*, Time (Jan. 26, 2024, 1:28PM EST), <https://time.com/6589057/iraq-mass-executions-capital-punishment/> (accessed Dec. 5, 2024).

<sup>38</sup> Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency* (Apr. 24, 2024), <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>39</sup> Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency* (Apr. 24, 2024), <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024).

<sup>40</sup> Amnesty International, *Iraq: At least 13 people executed amid alarming lack of transparency*, (Apr. 24, 2024), <https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/> (accessed Dec. 5, 2024); Human Rights Watch, *Iraq: Appeals Courts Ignoring Torture Claims*, (Sep. 25, 2019, 12:00AM EDT), [https://www.hrw.org/news/2019/09/25/iraq-appeals-courts-ignoring-torture-claims#:~:text=\(Beirut\)%20E2%80%93%20A%20close%20study,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2019/09/25/iraq-appeals-courts-ignoring-torture-claims#:~:text=(Beirut)%20E2%80%93%20A%20close%20study,Human%20Rights%20Watch%20said%20today) (accessed Dec. 5, 2024).

participation.”<sup>41</sup> Evidence in terrorism cases is often “flimsy” and, according to another report, it is at times “linked to disputes over land and businesses.”<sup>42</sup>

17. Widespread corruption also undermines the right to a fair trial.<sup>43</sup> The Corruption Perceptions Index gives Iraq a score of just 23/100, ranking 154th out of 180 countries assessed.<sup>44</sup> Corruption affects the judiciary. Although the judiciary is officially independent,<sup>45</sup> politicians and members of the public sector often influence judicial actions.<sup>46</sup> For example, in January 2018 a court sentenced former minister Falah al-Sudani to 21 years in prison, but 11 months later he received a pardon, reportedly as a result of pressure from the highest political circles.<sup>47</sup>

### **III. Detention conditions amount to cruel, inhuman, and degrading treatment and prison authorities subject people in detention to torture and ill-treatment (Concluding Observations Paragraphs 12, 24, 30).**

18. In its 2022 Concluding Observations, the Committee expressed concern about “reports that prisoners on death row in Nasiriyah central prison have been held in deplorable material conditions of detention and have often been subjected to torture and ill-treatment, including false threats from the prison guards about their imminent execution.”<sup>48</sup>
19. With respect to detention conditions generally, the Committee cited “reports indicating overcrowding and poor material conditions of detention,” listing “water supply and sanitation problems, the poor quality of the food provided, shortages in medical and health-care services, the lack of psychosocial support for those who need specialized services, especially persons with disabilities, and limited recreational or educational activities to foster rehabilitation.”<sup>49</sup> It also expressed concerns about “reports indicating that persons in custody . . . are subjected to torture or ill-treatment, in particular during the investigation stage of proceedings” in spite of the denial by the State “of the existence of torture in places of detention.”<sup>50</sup>

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<sup>41</sup> Astha Rajvanshi, *13 Men Suddenly Executed in Iraq as the Country Resumes Mass Executions*, Time (Jan. 26, 2024, 1:28PM EST), <https://time.com/6589057/iraq-mass-executions-capital-punishment/> (accessed Dec. 5, 2024).

<sup>42</sup> Alex MacDonald, *Iraq: Rights group warns executions based on unfair trials are ‘surging’*, Middle East Eye (Nov. 19, 2024, 14:56 GMT), <https://www.middleeasteye.net/news/executions-based-unfair-trials-surging-iraq-warns-rights-group> (accessed Dec. 5, 2024).

<sup>43</sup> Transparency International, *Corruption Perceptions Index 2023*, <https://www.transparency.org/en/countries/iraq> (accessed Dec. 5, 2024).

<sup>44</sup> Transparency International, *Corruption Perceptions Index 2023*, <https://www.transparency.org/en/countries/iraq> (accessed Dec. 5, 2024).

<sup>45</sup> Iraq Constitution, art. 47, translation: United Nations Assistance Mission for Iraq, 2005.

<sup>46</sup> Jennifer Schoeberlein, *Iraq: Overview of corruption and anticorruption*, U4 Helpdesk Answer 2020:24 (Dec. 11, 2020) ¶ 17. Available online at <https://www.u4.no/publications/iraq-overview-of-corruption-and-anti-corruption-2020.pdf>.

<sup>47</sup> Bertelsmann Stiftung, *BTI 2020 Country Report — Iraq*, ¶ 11. Available online at [https://bti-project.org/fileadmin/api/content/en/downloads/reports/country\\_report\\_2020\\_IRQ.pdf](https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2020_IRQ.pdf).

<sup>48</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 30.

<sup>49</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 24.

<sup>50</sup> Committee Against Torture, *Concluding observations on the second periodic report of Iraq*, (Jun. 15, 2022), UN Doc. CAT/C/IRQ/CO/2, ¶ 12.



20. Iraq asserted in its 2023 follow-up to the 2022 Concluding Observations that Iraqi law prohibits torture and “accused persons cannot be coerced into making a confession or a statement.”<sup>51</sup> It also stated that the Prime Minister had directed a review of allegations of torture in prisons, including submissions of complaints by email to the Adviser to the President of the Human Rights Council, which the Supreme Judicial Council and human rights courts then review.<sup>52</sup> The data Iraq itself provided, however, suggest that while investigation courts received a substantial number of complaints of torture in 2021 and 2022, those courts rendered very few decisions on those complaints.<sup>53</sup>
21. Authorities may respond to complaints alleging torture, including complaints lodged with UN human rights mechanisms, by expediting executions of complainants. According to Human Rights Watch, “Iraqi authorities have increasingly threatened death row inmates and nongovernmental groups for speaking out about conditions in the Nasiriyah Central Prison,” and from April through November 2024, “five men who had submitted anonymous complaints through a foreign lawyer to the United Nations were executed.”<sup>54</sup>

#### **IV. Suggested Questions for the Government of Iraq**

22. The coauthors suggest that the Committee pose the following questions to the Government of Iraq:
- What steps, if any, is Iraq considering to reduce the scope of the death penalty to the most serious crimes?
  - Provide comprehensive data over the reporting period of all persons charged with capital crimes, sentenced to death, and executed, disaggregated by sex, nationality, occupation at the time of arrest, crime of conviction, relationship to any codefendants or victims, date of arrest, date of sentence, status of any appeals or requests for pardon, current location (if applicable), and date of execution (if applicable).
  - What measures are in place to ensure that any person scheduled to be executed has the opportunity to confer with counsel and meet with family prior to execution?
  - What procedures ensure that any foreign national charged with a capital crime is afforded the right to consular notification under the Vienna Convention on Consular Relations? What remedies are in place if an accused person is not provided notification of those rights?
  - What procedures are in place to promote public transparency with respect to criminal proceedings in which a person may be sentenced to death and with respect to death sentences and executions?

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<sup>51</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 10-12 (received May 11, 2023).

<sup>52</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 21-22 (received May 11, 2023).

<sup>53</sup> Committee against Torture, *Information received from Iraq on follow-up to the concluding observations on its second periodic report*, (Aug. 28, 2023), UN Doc. CAT/C/IRQ/FCO/2 ¶ 21-22 (received May 11, 2023) (noting that the number of complaints before the investigation courts were 2,884 in 2021 and 4,725 in 2022 through Sep. 1, yet the decisions on allegations of torture issued by the relevant courts were only 24 and 19, respectively.)

<sup>54</sup> Human Rights Watch, *Iraq: Surging Unlawful Executions, Executions Follow Unfair Trials Based on Torture-Tainted Evidence*, (Nov. 19, 2024, 12:00AM EST), <https://www.hrw.org/news/2024/11/19/iraq-surging-unlawful-executions> (accessed Dec. 5, 2024).

- Under what circumstances are civil society organizations and human rights defenders allowed to attend criminal proceedings to monitor for potential discrimination against women in conflict with the law or other forms of discrimination? What constraints apply to such monitoring efforts?
- What concrete measures is the government taking to ensure respect for the rights of defendants to a fair trial and adequate legal representation, particularly in capital cases?
- How does the judiciary ensure that defense attorneys in terrorism-related cases are able to present all relevant mitigating evidence and that courts consider all evidence in support of a sentence other than death?
- What procedures exist when a defendant in a criminal proceeding alleges having been tortured or otherwise ill-treated? How do courts ensure that evidence obtained under torture is not used to obtain a conviction against the victim of torture?
- Please provide data about all complaints received alleging torture or other ill-treatment, including the nature of the complaint, the authority receiving the complaint, investigative measures taken, results of the investigation, accountability measures pursued, and remedies provided to the victim, in the following circumstances: during investigation of an alleged crime; during the period in which a person is on trial for a criminal offense; while a person is held in pre-trial detention; while a person is detained after conviction while any appeals are pending; while a person is detained after conviction after the exhaustion of any appeals.
- Please provide information about all cases during the reporting period in which officials have been criminally prosecuted for committing acts of torture against suspects or defendants in criminal proceedings, including the outcomes of those cases.
- What protections are in place to ensure that human rights defenders and civil society organizations advocating for abolition of the death penalty do not face harassment or imprisonment for expressing their views? What constraints govern civil society organizations that might seek to express opposition to the death penalty?
- What measures has the State Party taken to address the Committee's concerns regarding detention conditions at Nasiriyah Central Prison?
- Are civil society organizations allowed to visit prisons where people are detained and monitor conditions of detention? Under what circumstances? How many such visits have taken place during the reporting period? Did these visits include people under sentence of death? Did they include women under sentence of death?