



Home Office

Country Policy and Information Note

Iraq: Opposition to the government in the Kurdistan Region of Iraq (KRI)

Version 2.0

June 2021

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 19 May 2021

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by the Kurdish Regional Government (KRG) because of the person's actual or perceived political opinion or activities.

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1.2 Points to note

- 1.2.1 Previous versions of this CPIN looked at the treatment of individuals who were supporters or members of particular Kurdish political parties. However, no specific evidence could be found relating to the treatment of supporters or members of individual parties during the research process of the current note (see paragraph 2.4.7 for more information) and as such the parameters of this CPIN has been changed accordingly to focus on more general political opinions or activities.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

Official – sensitive: Start of section

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Official – sensitive: End of section

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.

- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed political opinion.
- 2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

- 2.4.1 The democratically-elected Kurdistan Regional Government (KRG) is broad-based, with representatives from all major parties (see [Kurdistan Regional Government \(KRG\)](#) and [Kurdish parties](#)). Following elections that took place in September 2018 a new Kurdish Government was eventually formed in July 2019 after months of negotiating between the Kurdistan Democratic Party (KDP), the Patriotic Union of Kurdistan (PUK) and the Gorran (Change) Movement. The current KRG president and prime minister, Nechirvan Barzani and Masrour Barzani respectively, are both members of the KDP. While tensions still exist between the parties, relationships are more stable than they have been in the past (see [Relationships between Kurdish parties](#)).
- 2.4.2 Protests and demonstrations took place throughout 2020 across the KRI for a variety of reasons, including the unpaid salaries of civil servants such as teachers and health care workers, the demand for better public services and job opportunities, regular electricity outages, political and financial corruption and lockdown measures imposed due to the Covid-19 pandemic (see [2020 protests](#)).
- 2.4.3 In response to the protests and planned protests security forces launched widespread campaigns of arrests across the KRI, often acting pre-emptively by arresting activists at home and setting up checkpoints and barriers at proposed protest locations to try and prevent demonstrations from taking place. Sources also stated that dozens of young men were arrested after calling for protests via their social media accounts. Available evidence indicates that in general most of those arrested were released after short periods in detention. However those with higher profiles who have previous

history of organising and taking part in demonstrations were detained for longer periods with some being charged and put on trial (see [Arrests and detentions](#)).

- 2.4.4 In addition to the arrest and detention of demonstrators, available evidence indicates that the KRG security apparatus at times used excessive force and deployed tear gas, rubber bullets and live bullets during the demonstrations resulting in the deaths of 8, mostly young, people and the wounding of more than 50 (see [Extrajudicial killings and excessive use of force](#)).
- 2.4.5 Available evidence indicates that journalists who were covering protests were often targeted with excessive force, had equipment seized, damaged or destroyed and were frequently arrested. In February 2021 2 journalists covering protests over unpaid wages were sentenced to 6 years in prison after being found guilty of ‘gathering classified information and passing it covertly to foreign actors in exchange for substantial sums of money’ and possessing ‘illegal weapons’. After receiving their guilty verdict and prison sentence the journalists’ lawyer claimed that their trial was unfair as a week before their court date, Masrour Barzani, the head of the KDP and Prime Minister of the KRG claimed they were spies in a press conference. The targeting, arrest and detention of journalists is in breach of Law No.35 of 2007, known as the Press Law in the Kurdistan Region and Law No.11 of 2013, known as the Right to Access Information Law in the Region of Kurdistan (see [Journalists and restrictions on media freedom](#) and [Legal context](#)).
- 2.4.6 In August and December 2020 KRG authorities raided and closed offices and suspended the broadcasting licence of the media outlet Nalia Radio and Television (NRT) for covering anti-government protests, in breach of the Press Law in the Kurdistan Region and the Right to Access Information Law in the Region of Kurdistan (see [Journalists and restrictions on media freedom](#) and [Legal context](#)).
- 2.4.7 CPIT was unable to find any evidence of mistreatment or risk relating to the support, membership or any activity on behalf of an individual political party in the Kurdistan Region of Iraq (KRI) in the sources consulted. It is considered that if there was a substantial risk of mistreatment due to political support, membership or activity on behalf of a particular party, it would be reported on and there would be information available. Based on the available evidence, it is concluded that any risk of mistreatment and possible persecution regarding political activity in the KRI is centred around protesting against the KRG more generally, rather than as a result of being a supporter, member or carrying out activities on behalf of a specific political party.
- 2.4.8 The evidence is not such that a person will be at real risk of serious harm or persecution simply by being an opponent of, or having played a low level part in protests against the KRG. Despite evidence that opponents of the KRG have been arrested, detained, assaulted and even killed by the Kurdistan authorities, there is no evidence to suggest that such mistreatment is systematic. In general, a person will not be at risk of serious harm or persecution on the basis of political activity within the KRI. Decision makers must, however, consider each case on its merits, taking into account that those of a higher profile with a previous history of organising protests and

demonstrations as well as journalists, particularly those with no links to the KRG parties, would be more likely to be at risk of mistreatment.

- 2.4.9 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to avail themselves of the protection of the authorities.

- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state and there is no safe part of the country where they would not be at risk from the state, they are unlikely to be able to relocate to escape that risk.

- 2.6.2 For more information regarding caselaw and internal relocation within the KRI and Iraq see the CPIN [Iraq: Internal relocation, civil documentation and returns](#).

- 2.6.3 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 19 May 2021

3. Legal context

3.1 Laws

3.1.1 Article 38 of the Iraqi Constitution (which covers the Kurdistan Region of Iraq (KRI)) states:

'The State shall guarantee in a way that does not violate public order and morality:

'First. Freedom of expression using all means.

'Second. Freedom of press, printing, advertisement, media and publication.

'Third. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.'¹

3.1.2 Article 45 (1) of the Iraqi Constitution states: 'The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law.'²

3.1.3 Article 2 of Law No.35 of 2007, also known as the 'Press Law in the Kurdistan Region', states:

'Article (2):

'First. The press is free and no censorship shall be imposed on it. Freedom of expression and publication shall be guaranteed to every citizen within the framework of respect for personal rights, liberties and the privacy of individuals in accordance with the law...

'Second. A journalist may obtain from diverse sources, in accordance with the law, information of importance to citizens and with relevance to the public interest.

'Third. In case of a legal suit, a journalist may keep secret the sources of information and news relevant to the suits brought before the courts unless the courts decide otherwise.

'Fourth. Every natural or legal person shall have the right to possess and issue journals in accordance with the provisions of this Law.

'Fifth. No journal shall be closed down or confiscated.'³

3.1.4 For more chapters and articles of Law No.35 of 2007 see the full version of [Press Law in the Kurdistan Region](#) published by the Global Justice Project: Iraq (GJPI).

3.1.5 Article 2 of Law No.11 of 2013, also known as the 'Right to Access Information Law in the Region of Kurdistan, Iraq' states:

¹ Constitute Project, '[Iraq's Constitution of 2005](#)' (page 15) 2005

² Constitute Project, '[Iraq's Constitution of 2005](#)' (page 16) 2005

³ GJPI, '[Press Law in the Kurdistan Region – Law No.35 of 2007](#)' 2008

‘Article (2):

‘The present law aims to do the following:

‘First. Enabling the citizens of the region to exercise their right in accessing information with public and private institutions, according to the provisions of the present law.

‘Second. Supporting the transparency and effective participation principles for ensuring democracy.

‘Third. Ensuring a better environment for freedom of expression and publication.’⁴

3.1.6 For more chapters and articles of Law No.11 of 2013 see the full version of the [Right to Access Information Law in the Region of Kurdistan, Iraq](#) published by the Kurdish Media Watchdog Organization (KMWO).

3.1.7 Article 2, 3 and 4 of Law No.6 of 2008, also known as the ‘Law on Prevention of Misuse of Communications Devices in Kurdistan Region, Iraq’ states:

‘Article (2):

‘Any person who misuses a cell phone, any telecommunications device, the Internet or e-mail by threatening, slandering, insulting or spreading fabricated news that provokes terror and causes conversations, fixtures or motion pictures, or (Jury) Contrary to public morals and morals, taking photographs without a licence or permission, assigning honour or incitement to commit crimes or acts of immorality or publishing information relating to private or family life secrets of individuals obtained in any way, even if true, if their dissemination, diversion and distribution would offend or harm them.

‘Article (3):

‘Anyone who intentionally uses and exploits a cell phone, any telecommunications device, the Internet or electronic mail to disturb others in cases other than those mentioned in article 2 of this Law shall be liable to imprisonment for a term of not less than three months and not more than one year and a fine of not less than seven hundred and fifty thousand dinars and not more than three million dinars.

‘Article (4):

‘If the act committed in accordance with articles II and III of this Act results in the commission of an offence, the perpetrator shall be considered an accomplice and shall be punished with the penalty prescribed for the offence committed.’⁵

3.1.8 N.B. CPIT was unable to find an English translation of the above law in the sources consulted. An Arabic version of the law was found on the [Internet Legislation Atlas](#) (ILA) website which was then translated using a free online translation tool. As such 100% accuracy cannot be guaranteed. The original and translated versions of the document can be viewed in [Annex A](#) and [Annex B](#).

⁴ KMWO, ‘[Right to Access Information Law in the Region of Kurdistan, Iraq](#)’ 2013

⁵ ILA, ‘[Law to Prevent the Misuse of Communication Devices...](#)’ 2008 – Translated from Arabic

3.1.9 See [Enforcement of laws](#) for more information.

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Section 4 updated: 19 May 2021

4. Kurdish people

4.1 Who are the Kurds?

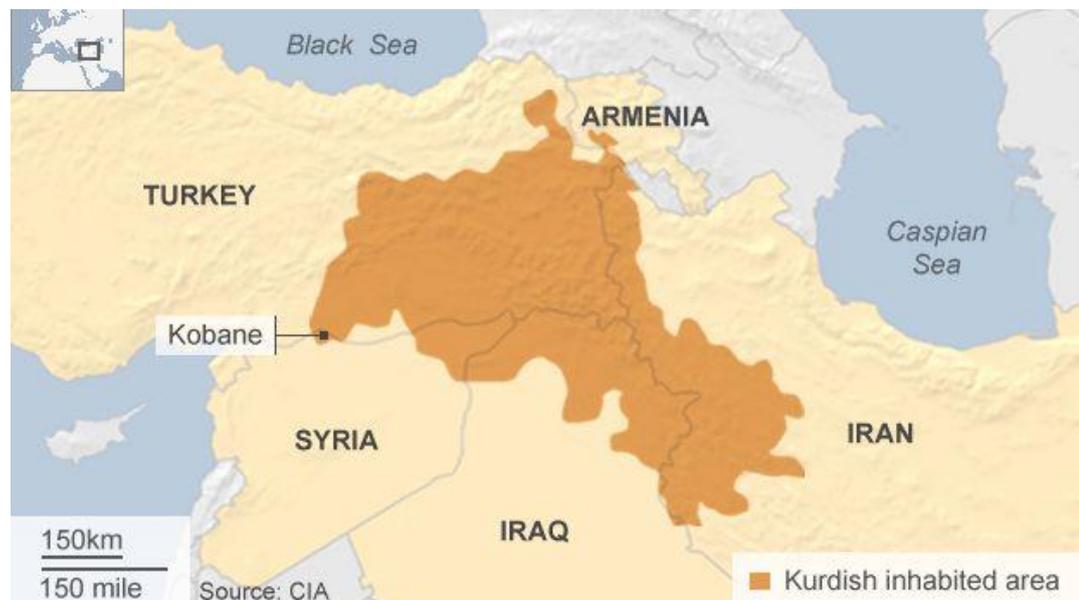
4.1.1 In October 2019 BBC News published an article on Kurdish people which stated:

‘Between 25 and 35 million Kurds inhabit a mountainous region straddling the borders of Turkey, Iraq, Syria, Iran and Armenia. They make up the fourth-largest ethnic group in the Middle East, but they have never obtained a permanent nation state.

‘The Kurds are one of the indigenous peoples of the Mesopotamian plains and the highlands in what are now south-eastern Turkey, north-eastern Syria, northern Iraq, north-western Iran and south-western Armenia.

‘Today, they form a distinctive community, united through race, culture and language, even though they have no standard dialect. They also adhere to a number of different religions and creeds, although the majority are Sunni Muslims.’⁶

4.1.2 The same source also published the below map:



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4.1.3 The Kurdish Project, ‘a cultural-education initiative to raise awareness in Western culture of Kurdish people’⁸, published the following map which indicates where Kurdish people are found across Turkey, Syria, Iraq, Iran and the rest of the world:

⁶ BBC News, [‘Who are the Kurds?’](#) 15 October 2019

⁷ BBC News, [‘Who are the Kurds?’](#) 15 October 2019

⁸ The Kurdish Project, [‘Our Mission’](#) no date



- 4.1.4 The same source also produced an [interactive map](#) which highlights cities that have historically been inhabited by large Kurdish populations.
- 4.1.5 The Kurdish Project also provides information on [Kurdish history](#), [Kurdish culture](#), [Kurdish religions](#), [Kurdish politics](#) and [women in Kurdistan](#).

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Section 5 updated: 19 May 2021

5. Kurds in Iraq

5.1 Demography

- 5.1.1 In January 2021 Rudaw, a Kurdish media network¹⁰, published an article entitled 'Iraq's population now over 40 million: planning ministry' which stated:

“Iraq’s population reached 40,150,000 people in 2020” the [country’s planning] ministry said in a statement released on Tuesday...The ministry’s figures are based on its “central statistical system, as per international standards”, according to its statement.

‘The Kurdistan Region’s population can be estimated to be 5.45 million, according to figures given to Rudaw by planning ministry spokesperson Abdulzahra Hindawi – about 13.7 percent of Iraq's population.

“Sulaimani has the largest population [of Kurdistan Region provinces], which is more than 2.25 million, followed by Erbil province which has 1.9 million people, and Duhok has nearly 1.3 million people,” Hindawi told Rudaw’s Shahyan Tahseen on Tuesday.

⁹ The Kurdish Project, [‘Where is “Kurdistan”?’](#) no date

¹⁰ Rudaw, [‘About us’](#) no date

“Every year [since 2010], the population has increased by 2.6 percent – meaning the population [of the Kurdistan Region] has increased by 850,000 to one million people,” the spokesperson said.’¹¹

- 5.1.2 A BBC profile of Iraqi Kurdistan published in April 2018 stated that Kurdish people make up between 17% and 20% of the population of Iraq¹². Based on the latest population figure provided by Iraq’s planning ministry and the estimated percentage range from the BBC, there are estimated to be between 6.82 and 8.03 million Kurds across Iraq and the Kurdistan Region of Iraq (KRI). An article published by Rudaw in April 2016 stated that official data from the provincial council in Baghdad shows that 300,000 Kurds lived in Baghdad, a fall of 200,000 since 2003¹³.
- 5.1.3 Precise figures of the numbers of Kurds in Iraq are not available due to lack of recent censuses. The last census to take place in Iraq was in 1997 and did not include the KRI¹⁴. A census due to take place in 2020 was postponed in August 2020 due to the Covid-19 pandemic¹⁵.
- 5.1.4 Below is a map produced by Geo-Ref.net which shows the population density of the KRI using data from 2018:



¹¹ Rudaw, ‘Iraq’s population now over 40 million: planning ministry’ 12 January 2021
¹² BBC, ‘Iraqi Kurdistan profile’ 25 April 2018
¹³ Rudaw, ‘Baghdad’s Kurdish population sees dramatic decline, official data shows’ 9 April 2016
¹⁴ Al-Monitor, ‘Iraqi population census raises concerns of Kurds’ 12 September 2019
¹⁵ Rudaw, ‘Iraq’s population now over 40 million: planning ministry’ 12 January 2021
¹⁶ Geo-ref.net, ‘Iraqi Kurdistan – Country map...population density of Kurdistan – Iraq’ no date

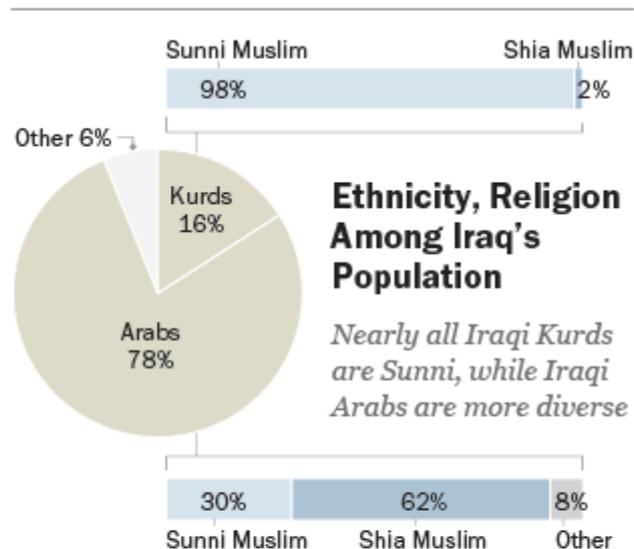
5.2 Religion

5.2.1 In an undated article on Kurdish religions, the Kurdish Project stated:

‘The most widely practiced Kurdish religion is Islam. According to a 2011 study conducted by the Pew Research Center, nearly all (98%) Kurds in Iraq identified as Sunni Muslim, while the other 2% identified as Shiite Muslims. The study noted that a small minority identified as neither Sunni nor Shiite. These Kurds prescribe to a number of religions, including a small percent who practice Christianity and Judaism, and speak Aramaic, the language that many scholars believe to have been spoken by Jesus Christ. Other religions in Kurdistan include Judaism, Babaiism, Yezidism, and Yazdanism, which includes sects such as Yarsanism, and Alevism.’¹⁷

5.2.2 An article entitled ‘Who are the Iraqi Kurds?’ published in August 2014 by the Pew Research Center stated the following and produced the following chart:

‘Nearly all Iraqi Kurds consider themselves Sunni Muslims. In our survey, 98% of Kurds in Iraq identified themselves as Sunnis and only 2% identified as Shias. (A small minority of Iraqi Kurds, including Yazidis, are not Muslims.) But being a Kurd does not necessarily mean alignment with a particular religious sect. In neighboring Iran, according to our data, Kurds were split about evenly between Sunnis and Shias.’



Note: Figures may not add to 100% because of rounding.

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5.3 Language

5.3.1 Kurdish and Arabic are the major languages in Iraq¹⁹.

¹⁷ The Kurdish Project, ‘[Kurdish Religions](#)’ no date

¹⁸ Pew Research Center, ‘[Who are the Iraqi Kurds?](#)’ 20 August 2014

¹⁹ BBC, ‘[Iraq country profile](#)’ last updated 3 February 2020

5.3.2 The General Board of Tourism of Kurdistan – Iraq (GBTKI) stated the following in an undated article entitled ‘About Kurdistan – Language’:

‘The Kurdistan Region's official languages for government purposes are Kurdish and Arabic. Kurdish is in the Indo-European family of languages. The two most widely spoken dialect of Kurdish are Sorani and Kurmanji. Other dialects spoken by smaller numbers are Hawrami (also known as Gorani) and Zaza.

‘The Sorani dialect uses Arabic script while the Kurmanji dialect is written in Latin script. Sorani is spoken in Erbil and Slemani governorates, while Kurmanji is spoken in Duhok governorate and some parts of Erbil governorate. As the Region’s Kurdish-language media has developed and the population has moved, today nearly all people in the Kurdistan Region can speak or understand both of the major dialects. The Kurdistan Regional Government’s policy is to promote the two main dialects in the education system and the media.’²⁰

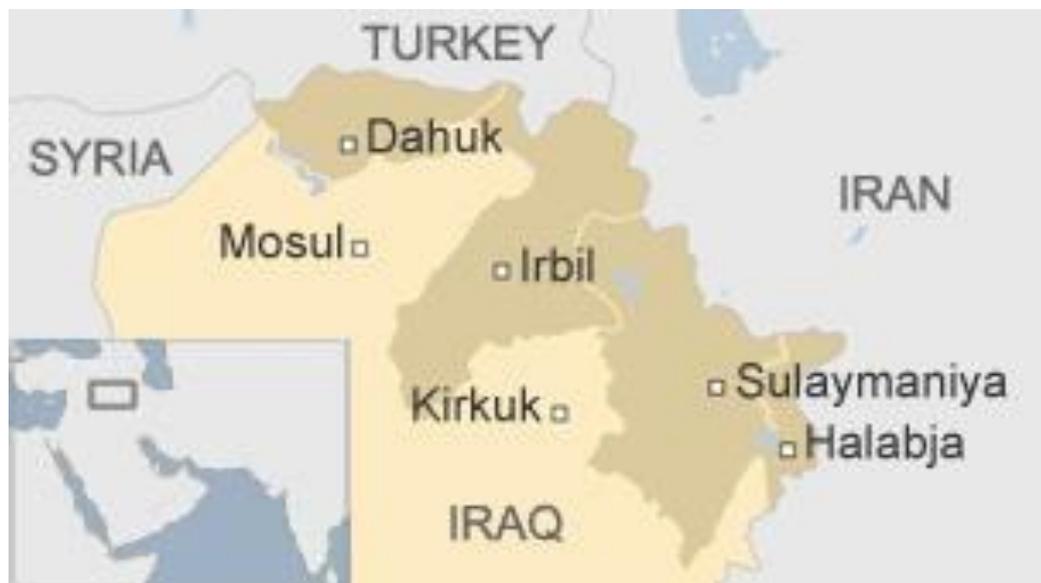
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Section 6 updated: 19 May 2021

6. Kurdistan Region of Iraq

6.1 Map and background

6.1.1 Below is a map of the Kurdistan Region of Iraq (KRI) showing the four governorates, Dahuk, Irbil (Erbil), Sulaymaniyah and Halabja:



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6.1.2 The GBTKI stated the following in an undated article entitled ‘About Kurdistan - General information’:

‘The name Kurdistan literally means Land of the Kurds. In the Iraqi Constitution, it is referred to as the Kurdistan Region... Iraqi Kurdistan or the Kurdistan Region is an autonomous region of Iraq. It borders Iran to the east, Turkey to the north, Syria to the west and the rest of Iraq to the south. The

²⁰ GBTKI, ‘[About Kurdistan – Language](#)’ no date

²¹ BBC, ‘[Iraqi Kurdistan profile](#)’ 25 April 2018

regional capital is Erbil, also known as Hawler. The region is officially governed by the Kurdistan Regional Government.²²

- 6.1.3 The website of the Kurdistan Regional Government (KRG) stated the following in an undated article entitled 'Facts & Figures':

'The establishment of the Kurdistan region dates back to 1970. In March 1970 an autonomy agreement was signed with Baghdad that declared autonomy for the region, after years of heavy fighting. The Iran-Iraq war during the 1980s and the Anfal genocide campaign of the Iraqi army devastated the population and nature of Iraqi Kurdistan.

'Following the 1991 uprising of the Kurdish people against Saddam Hussein, many Kurds were forced to flee the country to become refugees in bordering regions of Iran and Turkey. A northern no-fly zone following the First Gulf War in 1991 to facilitate the return of Kurdish refugees was established. As Kurds continued to fight government troops, Iraqi forces finally left Kurdistan in October 1991 leaving the region to function de facto independently; however, neither of the two major Kurdish parties had at any time declared independence and Iraqi Kurdistan continues to view itself as an integral part of a united Iraq but one in which it administers its own affairs. The 2003 invasion of Iraq by joint coalition and Kurdish forces and the subsequent political changes in post-Saddam Iraq led to the ratification of the new Iraqi constitution in 2005.

'The new Iraqi constitution stipulates that Iraqi Kurdistan is a federal entity recognized by Iraq, and gives Kurdish joint official language status in all of Iraq, and sole official language status in Iraqi Kurdistan.'²³

- 6.1.4 The BBC profile of Iraqi Kurdistan published in April 2018 stated that: 'Iraq's 2005 Constitution recognises an autonomous Kurdistan region in the north of the country, run by the Kurdistan Regional Government. This was the outcome of decades of political and military efforts to secure self-rule by the Kurdish minority... Only in Iraq have they managed to set up a stable government of their own in recent times, albeit within a federal state.'²⁴
- 6.1.5 The BBC also produced a [Iraqi Kurdistan timeline](#), last updated in October 2017.

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6.2 Disputed areas and 2017 Kurdish independence referendum

- 6.2.1 In January 2021 the European Asylum Support Office (EASO) published its common analysis and guidance note on Iraq. The report stated:

'The disputed territories of Iraq are located in parts of Erbil, within [the] KRI, and across parts of Kirkuk, Diyala, Salah al-Din, and Ninewa governorates. These areas have been the subject of contested control between the KRG and the Iraqi central government when Kurds took control of these areas lying outside the KRI border, after the fall of Saddam Hussein. The question

²² GBTKI, '[About Kurdistan – General information](#)' no date

²³ KRG, '[Facts & Figures](#)' no date

²⁴ BBC, '[Iraqi Kurdistan profile](#)' 25 April 2018

of their control was addressed in Article 140 of the 2005 Constitution, but this has never been resolved.

'In 2014, in the context of the war with ISIL [Islamic State of Iraq and the Levant – also known as Daesh], the Peshmerga [the armed forces of the KRG] moved into some areas of the disputed territories and took over control there, including Kirkuk and parts of Ninewa, populated by ethnic and religious minorities.'²⁵

6.2.2 On 25 September 2017 a referendum on whether to support the KRI's separation from Baghdad and the Iraqi state took place. In an article entitled 'Iraqi Kurds vote in controversial referendum', Al Jazeera stated:

'People in the semi-autonomous Kurdish region of northern Iraq are voting in a controversial referendum, amid rising tensions and international opposition.

'Polls opened at 05:00 GMT with balloting also taking place in the disputed areas between the northern city of Erbil and the capital Baghdad, as well as the oil-rich province of Kirkuk, which is ethnically mixed.

'The central government in Baghdad, which strongly opposes the referendum, sought control of the region's international border posts and airports on Sunday [24 September 2017], in anticipation of Monday's vote.

'...About 2,065 polling stations are open for 10 hours. A total of 5.6 million people are eligible to vote in the Kurdistan Regional Government area and other Kurdish-controlled areas in northern Iraq, according to the election commission.

'Voters will be asked: "Do you want the Kurdistan region and Kurdish areas outside the region to become an independent state?"'²⁶

6.2.3 The same source also published the below map showing the areas which were officially under the KRG control, the areas that were under Peshmerga control and the areas which are claimed by the KRG:



²⁵ EASO, 'Country Guidance: Iraq; Common analysis and guidance note' (page 159) January 2021

²⁶ Al Jazeera, 'Iraqi Kurds vote in controversial referendum' 25 September 2017

²⁷ Al Jazeera, 'Iraqi Kurds vote in controversial referendum' 25 September 2017

6.2.4 On 27 September 2017 the BBC published an article entitled 'Iraqi Kurds decisively back independence in referendum' which stated:

'People living in northern Iraq voted overwhelmingly in favour of independence for the Kurdistan Region in Monday's controversial referendum.

'The electoral commission said 92% of the 3.3 million Kurds and non-Kurds who cast their ballots supported secession.

'The announcement came despite a last-minute appeal for the result to be "cancelled" from Iraq's prime minister.

'Haider al-Abadi [Iraq's then prime minister] urged Kurds to instead engage in dialogue with Baghdad "in the framework of the constitution".

'Kurdish leaders say the "Yes" vote will give them a mandate to start negotiations on secession with the central government in Baghdad and neighbouring countries.

'...In a speech to parliament before the result was announced, Mr Abadi insisted that he would "never have a dialogue" about the referendum's outcome with the Kurdistan Regional Government (KRG).

'The vote was vehemently opposed by Baghdad and much of the international community, which expressed concern about its potentially destabilising effects, particularly on the battle against IS [Islamic State].

'Mr Abadi said his priority now was to "preserve citizens' security" and promised to "defend Kurdish citizens inside or outside" the Kurdistan Region.

"We will impose Iraq's rule in all districts of the region with the force of the constitution," he added.'²⁸

6.2.5 On 18 October 2017 the BBC published an article entitled 'Iraq takes disputed areas as Kurds "withdraw to 2014 lines"' which stated:

'Iraq's military says it has completed an operation to retake disputed areas held by Kurdish forces since 2014. On Monday and Tuesday [16 and 17 October 2017] troops retook the multi-ethnic city of Kirkuk and its oilfields, as well as parts of Nineveh and Diyala provinces.

'...The military operation came three weeks after the Kurds held an independence referendum, which Iraq's prime minister said was now a "thing of the past". Mr Abadi called for dialogue with the Kurdistan Regional Government on Tuesday night, saying he wanted a "national partnership" based on Iraq's constitution.

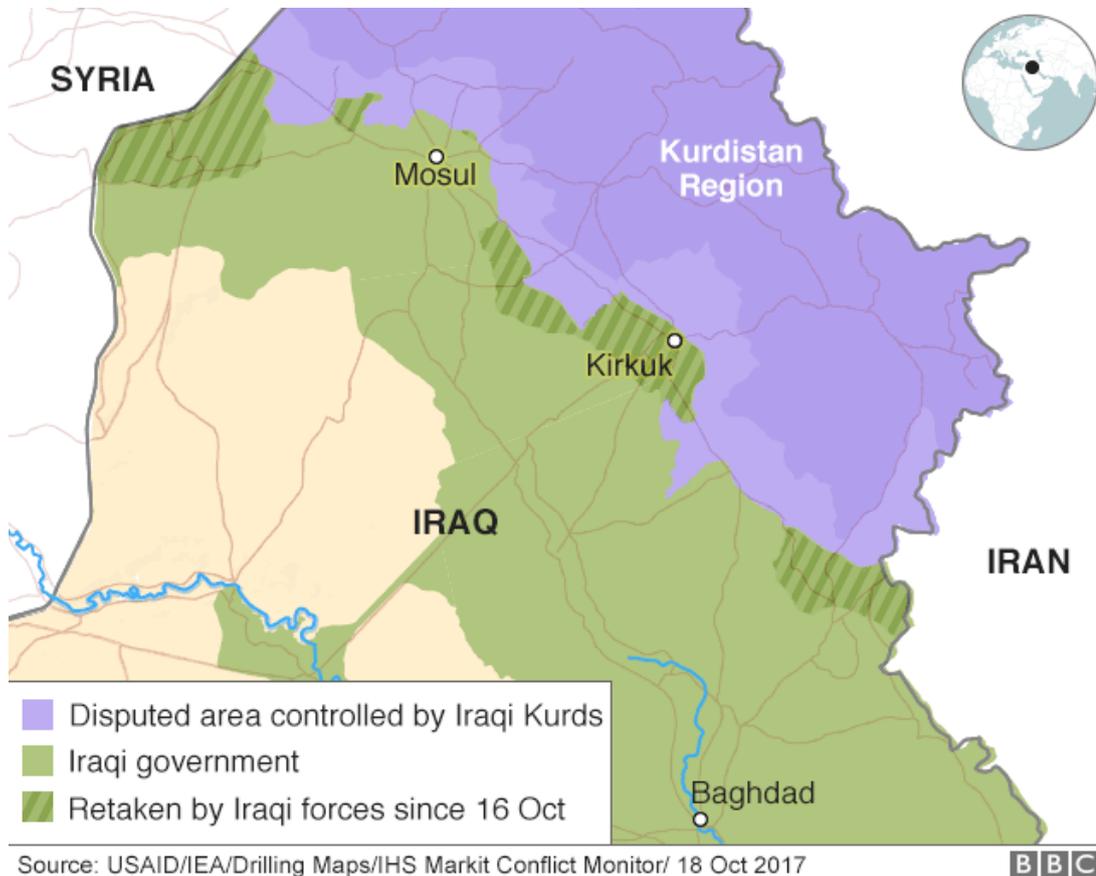
'...A statement issued by the Iraqi military on Wednesday announced that security had been "restored" in previously Kurdish-held sectors of Kirkuk province, including Dibis, Multaqa, and the Khabbaz and Bai Hassan North and South oil fields.

"Forces have been redeployed and have retaken control of Khanaqin and Jalawla in Diyala province, as well as Makhmur, Bashiqa, Mosul dam, Sinjar and other areas in the Nineveh plains," it added.

²⁸ BBC, ['Iraqi Kurds decisively back independence in referendum'](#) 27 September 2017

'Peshmerga fighters moved into the areas after IS swept across northern and western Iraq in June 2014 and the army collapsed. A senior Iraqi military commander also told Reuters news agency: "As of today we reversed the clock back to 2014."²⁹

- 6.2.6 The same source additionally published the below map produced using a number of different sources following the Iraqi military's operations to retake disputed areas:



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Section 7 updated: 19 May 2021

7. Kurdistan Regional Government (KRG)

7.1 Executive branch

- 7.1.1 In March 2021 Freedom House published its annual report on political rights and civil liberties in 2020. The report entitled 'Freedom in the World 2021 – Iraq' stated:

'The Kurdistan Regional Government (KRG), composed of Iraq's northernmost provinces, is ostensibly led by a president with extensive executive powers. The draft Kurdish constitution requires presidential elections every four years and limits presidents to two terms. However, after eight years as president, Masoud Barzani of the Kurdistan Democratic Party

²⁹ BBC, ['Iraq takes disputed areas as Kurds "withdraw to 2014 lines"'](#) 18 October 2017

³⁰ BBC, ['Iraq takes disputed areas as Kurds "withdraw to 2014 lines"'](#) 18 October 2017

(KDP) had his term extended in a 2013 political agreement with another party, the Patriotic Union of Kurdistan (PUK).

'After Barzani stepped down in 2017, the presidency remained vacant, and executive power was held by Prime Minister Nechirvan Barzani, his nephew. After the September 2018 Kurdish parliamentary elections, the KDP nominated Nechirvan Barzani to become president and Masrour Barzani—Masoud Barzani's son—to serve as prime minister. In May 2019, Nechirvan Barzani was elected president by the Iraqi Kurdish parliament and sworn in a month later, after the position had been vacant for nearly two years. Masrour Barzani was appointed and sworn in as prime minister the same month. Both Barzanis, the president and prime minister, are from the KDP.'³¹

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7.2 Legislative branch

7.2.1 The website of the Kurdistan Parliament stated:

'The Kurdistan Parliament has 111 members elected by popular vote every four years. Sixteen parties and lists are in the current parliament term that began in November 2018. Of these, eight are parties or lists that represent Turkmen, Christian and Armenian communities in Kurdistan Region. Of the 111 seats, 11 are reserved for these communities. By law, women must hold at least 30% of seats.'³²

7.2.2 The same source additionally stated:

'The Kurdistan Parliament has 19 standing committees that work on a wide range of subject areas. Much of Parliament's work takes place in these committees. Their mandate is to study bills (draft laws), propose bills and give opinions, study suggested amendments, and to submit them to Parliament's leadership. Committees provide important input during the stages of passing a bill through Parliament into law. Committees also scrutinize the performance of government institutions in their area of work, and take evidence and opinions from experts and civil society. These mandates are in Article 38 of parliament's procedural rules.

'According to Article 37 of Parliament's procedural rules, committees are formed at the first session following a parliamentary election.'³³

7.2.3 For information about current parties, MPs and the Presidency in the Kurdistan Parliament see the [members and parties webpage](#) of the Kurdistan Parliament website.

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7.3 Formation of current government

7.3.1 In May 2019 Rudaw published an article entitled 'KDP strikes new government deals with Gorran and PUK' which stated:

'The Kurdistan Democratic Party (KDP) has reached a final understanding regarding the next Kurdistan Regional Government (KRG) in separate deals

³¹ Freedom House, '[Freedom in the World 2021 – Iraq](#)' (section A1) 3 March 2021

³² Kurdistan Parliament, '[Home](#)' (Parties) no date

³³ Kurdistan Parliament, '[Kurdistan Parliament's Committees](#)' no date

signed with the Change Movement (Gorran) and the Patriotic Union of Kurdistan (PUK) in Sulaimani on Sunday [5 May 2019].

'Nechirvan Barzani, leading a delegation from the KDP, arrived in Sulaimani on Sunday morning to meet with the PUK and Gorran, hoping to end months of discussions over the formation of the next government.

"We have reached an understanding and we hope that in the next few days we will start the process of forming the next cabinet by initially reviving the Kurdistan presidency law," KDP spokesperson Mahmoud Mohammed told reporters Sunday afternoon after the meeting between his party and Gorran.

'...The KDP first reached a deal with Gorran in February with Gorran agreeing to enter the government and pushing a package of institutional reforms...The government-formation process has dragged on for more than seven months. Parliamentary elections were held on September 30, 2018, with the KDP coming out on top, winning 45 seats in the 111-seat legislature, but not securing an outright majority. It has spent more than half a year trying to build a governing coalition with the PUK, which won 21 seats, and Gorran, which has 12 seats.

'After signing its agreement with Gorran, KDP then arrived at a similar pact with the PUK in March [2019]...'³⁴

- 7.3.2 On 11 July 2019 the Washington Institute published an article entitled 'Iraqi Kurdistan's New Government' which stated:

'On July 10, the Kurdistan Regional Government's parliament voted in a new cabinet led by Prime Minister Masrour Barzani, eldest son of former president Masoud Barzani. Masrour succeeds his cousin Nechirvan Barzani, the long-serving KRG premier who was sworn in last month as president. The cabinet now comprises twenty-one ministers, including three without portfolio. Two seats were earmarked for Christian and Turkmen representatives; three women won seats as well, the largest number to date.

'It took nine months to form the new cabinet following last September's parliamentary elections. The delay was caused by deep divisions between and within the KRG's main political parties.'³⁵

- 7.3.3 For more information see [Relationships between Kurdish parties](#).

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7.4 Kurdish participation in national politics

- 7.4.1 Freedom House stated:

'After national elections, the Council of Representatives (CoR) chooses the largely ceremonial president, who in turn appoints a prime minister nominated by the largest bloc in the parliament...The 329 members of the CoR are elected every four years from multimember open lists in each province, though a December 2019 reform significantly changed the framework for future polls. The May 2018 elections, held under the party-list

³⁴ Rudaw, '[KDP strikes new government deals with Gorran and PUK](#)' 5 May 2019

³⁵ Washington Institute, '[Iraqi Kurdistan's New Government](#)' 11 July 2019

system, were generally viewed as credible by international observers, despite some allegations of fraud.

‘...Among the several Kurdish parties, the KDP won 25 seats and the PUK won 19. The remaining seats were divided among Sunni-led coalitions, smaller parties, and independents. After the resignation of former prime minister Mahdi in December 2019, a new government formed in June 2020 under Prime Minister al-Kadhimi.

‘Following repeated delays, provincial council elections originally scheduled for 2017 were postponed indefinitely by the CoR in November 2019. Kirkuk, the subject of a dispute between the KRG and the central government, has not held provincial council elections since 2005.’³⁶

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Section 8 updated: 19 May 2021

8. Kurdish parties

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

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Section 9 updated: 19 May 2021

9. Relationships between Kurdish parties

9.1 KDP and PUK

- 9.1.1 An article entitled ‘The Iraqi Kurds’ Destructive Infighting: Causes and Consequences’ written by Bekir Aydogan and published by the London School of Economics Middle East Centre (LSEMEC) in April 2020 provided information on the background of the relationship between the KDP and the PUK and stated:

‘The Barzani family-led Kurdistan Democratic Party (KDP), based in Erbil, and the Talabani family-led Patriotic Union of Kurdistan (PUK), based in Sulaimaniya, have long dominated the politics of Iraq’s Kurdistan Regional Government (KRG). Historical, ideological and sociological differences between the two parties are said to lie at the root of their disagreements. The long-held mutual mistrust and conflict further stems from each accusing the other of collaborating with the enemy and betraying the Kurdish cause. With the near-total political dominance of these two strongest Iraqi Kurdish actors, any conflict between the KDP and the PUK hugely damages the KRG as a whole, whereas their collaboration is crucial for the region’s development. The disunity between the Barzani and Talabani factions within the KDP during the 1960s, the bloody infighting from 1994 to 1998 and lastly, following the 2017 independence referendum, the loss of oil-rich Kirkuk,

³⁶ Freedom House, ‘[Freedom in the World 2021 – Iraq](#)’ (section A1, A2) 3 March 2021

betrayal allegations and more brewing conflicts between the KDP and PUK have shown how this rivalry is wont to imperil the significant gains the Iraqi Kurds have made.

'...The emergence of disagreements between the KDP and PUK is said to have been due to the quest for hegemony, as well as the ideological and sociological differences related to their leaders, followers and geographies. While the group led by the KDP's first leader Mustafa Barzani was described as more tribal, internally well-disciplined, traditional and conservative, the rival group, mostly comprised of KDP politburo members led by Ibrahim Ahmed and Jalal Talabani, was distinguished as being more reformist, urban, revolutionary and left-leaning. Talabani had greater influence on the young and urban populations in Sulaimaniya with his reformist ideas, but Barzani's traditional and nationalist discourse impressed people in the Barzan district and its surroundings.

'These ideological and sociological divisions combined with a lust for absolute power sparked off violent intra-KDP disagreements and conflicts. Particularly during the 1960s and later, the two conflicting groups' unilateral relations with the Baghdad government gave it the chance to play each faction off against the other, with the result that the Iraqi Kurds' aspirations for autonomy were easily stifled. Following the dissolution of the 1970 Autonomy Agreements between Saddam Hussein and Mustafa Barzani due to the Algiers Agreement between Iraq and Iran in 1975, which ended Iran's support for the Kurds against Iraq, the KDP faced a crisis and subsequently, the Ahmed-Talabani group formed the PUK. The establishment of the PUK formalised the rivalry and dichotomy between the two groups.'³⁷

9.1.2 The same source further stated:

'The US-imposed no-fly zone in 1991 in northern Iraq both protected Iraqi Kurds from Saddam's forces and resulted in an equal power-sharing arrangement between the KDP and PUK after the 1992 election. The bloody infighting the two groups engaged in between 1994–8 derived from disputes over energy revenues and power sharing, leading to the KDP seeking support from the same Ba'athist forces who had previously used chemical weapons against the Kurds, and the PUK being supported by Iran, who had used the Kurds to provoke Saddam. The result was once again seriously damaging for the Iraqi Kurds, leaving them close to losing their de facto autonomy in northern Iraq. The US-brokered Washington Peace Agreement between the KDP and PUK in 1998 made the duopoly permanent, institutionalising the separate administrations in Erbil and Sulaimaniya.

'Due to their help in ousting Saddam Hussein in 2003, the US rewarded the Iraqi Kurds by ensuring official autonomy was written into the 2005 Iraqi Constitution. KDP leader Masoud Barzani was given the KRG presidency and the PUK leader Jalal Talabani was granted the Iraqi Presidency, forming an accommodation between the rival parties. The KDP and PUK's decision to form a single list for the elections in 2004, and to arrange a fifty-fifty power sharing alliance in 2007, brought about stability, safety and development in the KRG, also culminating in economic and political achievements through

³⁷ LSEMEC, ['The Iraqi Kurds' Destructive Infighting: Causes and Consequences'](#) 15 April 2020

joint relations with the Baghdad government. However, the power-sharing alliance – as it had in the 1990s – made the dual administration permanent and prevented the parties from institutionalising their divided structures under a single roof.

‘...Coming under intense criticism because of budget cuts, failure to pay civil servants’ salaries, accusations of holding an ‘illegal’ presidency and mass protests, KRG president Masoud Barzani held an independence referendum for the region on 25 September 2017, which was regarded by the opposition as an effort to bolster Barzani’s sinking popularity. The PUK nevertheless did not publicly oppose the referendum, as they could not be seen as opposing efforts towards achieving independence. However, the Talabani clan’s 16 October [2017] withdrawal of Peshmerga forces from Kirkuk in the face of the Iraqi army triggered major tension and accusations of betrayal, leaving the Kirkuk oil fields in the hands of Baghdad and the Iraqi Kurds in an economic and political crisis. KDP accusations against Bafel, Lahur and Aras Talabani, alleging that they collaborated with Iranian General Qasem Soleimani and the Baghdad government to retreat from Kirkuk, have once again resurfaced. Conflicting allegations and infighting cost the KRG oil-rich Kirkuk, which produced nearly half of its energy revenues, and almost all the disputed areas are now under the control of Baghdad. Furthermore, any chance of institutionalising the dual administrations has been put on ice for the foreseeable future.

‘Although the KRG has had de facto autonomy since 1991, made official in 2005, as well as the support of Western countries in order to institutionalise its divided administrations, critics point out that it still maintain almost the same dual administrative structure as it had in the 1990s. The two parties have been criticised for putting the interests of their family, tribes and party allegiance above the interests of the Iraqi Kurds. Though there are opposition parties, elections and a joint parliament, the KDP and PUK have their own intelligence agencies and Peshmerga units that further disunity. Such conflicts and divided administrations are, perhaps, the biggest obstacles facing Iraqi Kurds.’³⁸

- 9.1.3 In March 2019 Al Jazeera published an article, citing various sources, entitled ‘Government formation in Iraq Kurdish region closer after KDP-PUK deal’ which stated:

‘The two main political parties in Iraq’s semi-autonomous Kurdish region have struck a four-year deal paving the way for the formation of a new Kurdish Regional Government (KRG), according to local media.

‘The political agreement signed on Monday [4 March 2019] between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) comes months after September’s [2018] parliamentary elections.

“‘We both are winners. Our people are the winners,” Sadi Pira, a PUK member, was quoted as saying by Kurdish news outlet Rudaw.

³⁸ LSEMEC, [‘The Iraqi Kurds’ Destructive Infighting: Causes and Consequences’](#) 15 April 2020

“The security of our people is the priority ... I hope everyone thinks of the people’s interests, not partisan interests,” Fazil Mirani, secretary of the KDP’s executive committee, said.

‘According to Rudaw, the new deal is expected to replace the KDP’s and PUK’s “redundant” so-called “Strategic Agreement”, which united the region under a KRG administration in 2005, and included measures to accelerate the formation of a new government.

‘At a joint press conference following the signing of the deal in Erbil, PUK spokesperson Latif Sheikh Omar said a commission would be established to follow up on the implementation of the agreement.

‘The deal would also result in the formation of parliamentary committees, local media outlet Kurdistan 24 reported.

‘The two major parties, which have ruled the Kurdish region under a power-sharing agreement, have been at odds since the region’s failed bid for independence from Iraq in a controversial 2017 referendum.’³⁹

9.1.4 In July 2020 NRT TV published an article entitled ‘Tensions Persist Between PUK, KDP, Issues Need To Be Resolved: PUK Official’ which stated:

‘The secretary of the Patriotic Union of Kurdistan’s (PUK) General Leadership Council said on Sunday (July 19) that a number of outstanding issues have emerged between the PUK and the Kurdistan Democratic Party (KDP) since the former’s Fourth Congress in December.

“The iceberg of relations between the [PUK] and the [KDP] no longer exists compared with the past,” Secretary of the General Leadership Council Farid Asasard told his party’s affiliated media outlets, referring to the historically chilly relations between the parties, but added that a number of problems persist and that they need to be settled.

‘He did not identify any specific issues, but recent controversies include a military stand off in Zini Warte, accusations of spying, and procedural fights in the Kurdistan Parliament, all playing out in front of a backdrop of deteriorating economic conditions and personal rivalries between leading figures of the KDP and PUK.

‘...During his remarks, Asasard said that the PUK has put in place a mechanism to meet with the KDP regarding their relations in a near future, but did not provide details.

‘He also said that the PUK has developed strong relationships with all the political parties in Sulaimani and Halabja governorates, but has not been successful at doing so in Erbil and Duhok, which are dominated by the KDP.’⁴⁰

9.1.5 In December 2020 the Institute of Regional & International Studies (IRIS) at the American University of Iraq, Sulaimani, published a report entitled ‘Why Did Protests Erupt in Iraqi Kurdistan?’ which stated:

³⁹ Al Jazeera, [‘Government formation in Iraq Kurdistan...closer after KDP-PUK deal’](#) 4 March 2019

⁴⁰ NRT TV, [‘Tensions Persist between PUK, KDP...’](#) 20 July 2020

‘Since the ill-fated Kurdish referendum for independence in September 2017, the two parties have been at odds with one another in increasingly public ways. The KDP has accused the PUK of betraying Kurdistan by handing Kirkuk over to the federal government in October 2017, and the KDP subsequently placed obstacles in the way of PUK obtaining key appointments (i.e. the governorship of Kirkuk and the federal presidency). The PUK in turn has responded in a number of ways, including through the strategic deployment of public protests to undermine the leadership of Masrour Barzani over the KRG administration. It is generally understood that PUK factions quietly supported a series of contained, organized protests in Sulaimani over the past months – all of which cited the failure of the KRG to deliver on salaries and infrastructure.’⁴¹

9.1.6 An article published in April 2021 by Rudaw entitled ‘Kurdistan Region parties meet to promote unity’ stated:

‘The President of the Kurdistan Region chaired a meeting on Thursday with the leaders of Kurdistan Region political parties to promote unity and end party rivalries, a presidential advisor has told Rudaw.

“The main purpose of the meeting was to get the parties closer together so that there’s a unified Kurdish dialogue to deal with the current sensitive political situation in Iraq and the region as a whole,” Dilshad Shahab told Rudaw’s Sangar Abdulrahman.

“There has been a sense of separation between the political parties lately, and this separation has had a negative impact on Kurdistan’s position,” he added.

“The meeting focused on the current situation in the Kurdistan Region and exercising constitutional rights, protecting the achievements and steps for a better future, realism and a sense of responsibility for all,” read a statement from the presidency.

‘Relations between the ruling Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) deteriorate occasionally, and tensions arise from time to time between the two political parties.

‘The KDP and PUK have shared power in the Kurdistan Region of Iraq since the 90s, with their own separate but coexisting zones of influence.

‘...Alongside the Change Movement (Gorran), the KDP and the PUK formed a new KRG cabinet in 2019. The stability of the KRG depends heavily on good relations between the parties, as well as the shares of Kurds in Iraqi governmental positions.

‘During his Newroz message last month [March 2021], President Barzani invited political parties to come together and hold a meeting in an attempt to “put an end to harmful rivalries and disagreements.”

‘In February [2021], Kurdistan Region Prime Minister Masrour Barzani said he hoped “all the forces and parties in Kurdistan will unite in supporting and advocating for the constitutional framework of the Kurdistan Region and in providing the legitimate rights and demands of the people of Kurdistan.”

⁴¹ IRIS, [‘Why did Protests Erupt in Iraqi Kurdistan?’](#) (page 6) December 2020

'Shahab also added that "the world" is encouraging Kurdish unity. "On the other hand, our rivals and opponents have high hopes for conflict between the political parties in Kurdistan."

"That's why I think these steps will have a positive impact and will be a way forward of a better relationship in the future."

'PUK politburo member Mustafa Chawrash encouraged unity between the two parties and said success and shortcomings are present on both sides.

"The problems between PUK and PDK, or other parties, are that sometimes no one listens to the other. Look at parliament: parliament is for lawmaking, not disputes. All of us have to try" he told Rudaw's Shahyan Tahsin on Thursday.⁴²

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9.2 Gorran and the KDP

9.2.1 In November 2019 an article entitled 'Protests and Power: Lessons from Iraqi Kurdistan's Opposition movement' written by Zmkan Ali Saleem and Mac Skelton was published by the LSEMNC. The article stated:

'After the 2013 elections, the party [Gorran] decided to join the government in alliance with the KDP, which granted them several key positions both in parliament and the executive branch, including the Speaker of the Parliament as well as the ministries of Finance, the Peshmerga, Industry, and Religious Endowments. Gorran's stated objective in joining the government was to implement a reformist agenda from within, focusing on ending corruption, disassociating party politics from government institutions, and reforming the peshmerga units loyal to the KDP and PUK into a united state force.

'This strategy failed dramatically from the beginning. Over two decades of rule, the two dominant parties had consolidated power and loyalty across the four ministries now under Gorran's control, particularly the finance and peshmerga portfolios. Decisions made at the top level by Gorran-backed ministers would simply not be implemented whenever they contradicted KDP and PUK priorities. The Ministry of Finance – an institution almost entirely controlled by the KDP – provided no space for the Gorran minister to function, ultimately forcing him into such a weak position that he decided to align with his masters. In 2015, the KDP essentially sacked all the Gorran-affiliated ministers. Later in 2017 the KDP re-employed the finance minister, who was now entirely disavowed by Gorran.⁴³

9.2.2 The August 2016 article published by the Washington Institute provided further information on the breakdown in relations between the KDP and the Gorran movement:

'The main trigger for this fallout came when Gorran led an effort in June 2015 to introduce a number of bills amending the presidency law of Iraqi Kurdistan when Barzani's term was nearing its end. The KDP saw this as an attempt to undermine Barzani, and consequently its relations with Gorran

⁴² Rudaw, '[Kurdistan Region parties meet to promote unity](#)' 8 April 2021

⁴³ LSEMNC, '[Protests and Power: Lessons from Iraqi Kurdistan's Opposition Movement](#)' 10 Nov 2019

went sour. The law was never amended. A governmental body later extended Barzani's term despite strong protest from Gorran and some smaller parties. When in October of the same year KDP's offices in Sulaymaniyah province came under attack by protesters causing at least five fatalities among KDP supporters and protesters, Barzani's party blamed Gorran for the assault on its offices. In an unexpected twist, the KDP then blocked Gorran's speaker of Kurdish parliament and five of the group's ministers from entering Erbil in October 2015 ending Gorran's participation in the Kurdish government institutions. That led to a divorce between the two sides and brought an end to an uneasy partnership that had started in 2014 when the KDP, as the largest bloc in the newly-elected Kurdish parliament, picked Gorran over the PUK as its major partner in the new coalition government.⁴⁴

9.2.3 The LSEMNC article published in November 2019 further stated:

'The most important long-term result of Gorran's decision to join the government [in 2013] was the shift in the party's relationship with existing forms of power and patronage. With the rhetorical and institutional firewall between the reformists and the duopoly removed, Gorran soon fell prey to various forms of co-optation by the PUK and KDP. This process started to generate fault lines between various factions of the party. The illness and ultimate death of Gorran's leader in 2017 intensified the struggle to breaking point.

'One faction rallied around Mustafa's two sons, who had inherited the party's properties, offices, and media outlets. This faction was soon regarded as anti-reformist and conservative, seeking to push the party towards a more traditional establishment role – and the material and economic benefits that come with it. According to former members of Gorran and independent observers in the KRI, the party has been granted access to lucrative businesses and public projects by the PUK and KDP, all the while maintaining the rhetoric of reform and combating corruption. The other faction strongly rejected the party's adoption of succession, family rule and nepotism. These members wanted to preserve the ideological purity and reformist objectives of the movement. Ultimately they failed to do so – Mustafa's sons and their allies won the political battle to control the centre of decision making in the party.

'For many of the Gorran faithful, this shift in the structure of power essentially transformed the party from a reformist movement to what a former Gorran leader called "a traditional/conservative party similar to the KDP and the PUK." By any measure Gorran's current leadership has moved away from its original anti-establishment stance. After suffering a dramatic defeat in the 2018 elections and only gaining 12 seats in the regional parliament, the party nevertheless decided against forming an opposition, joining the KDP-dominated power sharing government while giving lip service to holding the system accountable. Given previous failures to effect change from within, this decision has intensified questions around the aims of the party.'⁴⁵

⁴⁴ Washington Institute, '[The New Politics of Iraqi Kurdistan](#)' 16 August 2016

⁴⁵ LSEMNC, '[Protests and Power: Lessons from Iraqi Kurdistan's Opposition Movement](#)' 10 Nov 2019

9.2.4 In February 2019 Kurdistan24 published an article entitled ‘KDP, Gorran ink deal on government formation as PUK boycotts return to Parliament’ which stated:

‘The Kurdistan Democratic Party (KDP) and the Change (Gorran) Movement on Monday officially signed their agreement over the formation of government, hours ahead of a parliamentary session that is expected to vote in the body’s leadership.

‘...Following the [September 2018] election, the KDP, in first place with 45 seats, entered into negotiations with both the PUK, the runner-up with 21 seats, and Gorran to form a new government. The stated goal is for a representative government that will address the needs of the people of the region, who have lived through a trying number of years with no financial security.

‘At the end of multiple rounds of negotiations that began late last year, the KDP and Gorran recently drafted an agreement that encompasses the political agenda of the two parties for the next four years. The negotiation committees of the two parties then passed the draft deal to their leadership, and late Sunday [17 February 2019], Gorran finally approved it.

‘On Monday [18 February 2019], the two parties officially signed the strategic agreement, which is likely to end the disputes between the two parties as they form a new government.’⁴⁶

9.2.5 In January 2020 Kurdistan24 published an article entitled ‘Kurdistan’s Gorran party to meet KDP on government performance, reform efforts’ which stated:

‘...Tensions decreased between the KDP and Gorran ahead of the 2018 elections and the two arrived at multiple government formation deals following the vote.

‘The party [Gorran] is currently part of the new Kurdistan Regional Government (KRG) cabinet, holding five ministerial posts: Minister of Peshmerga, Finance and Economy, Housing and Reconstruction, Labor and Social Affairs, and Trade and Industry.’⁴⁷

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9.3 Gorran and the PUK

9.3.1 The August 2016 article published by the Washington Institute stated:

‘The PUK and Gorran signed a deal on May 17 [2016] whereby they agreed on a joint action platform that will bring the two parties together in the Kurdish and Iraqi political arenas. While the PUK, led by former Iraqi president Jalal Talabani, has been part of the Kurdish establishment, Gorran has often presented itself as an anti-establishment party. The agreement between the two parties is not only important because it ends nearly seven years of hostile relationships between the two sides, but is likely to present a counterweight to the KDP, which is led by Iraqi Kurdistan’s acting President Masoud Barzani. It will also mean the effective termination of a so-called

⁴⁶ Kurdistan24, ‘[KDP, Gorran ink deal on government formation...](#)’ 18 February 2019

⁴⁷ Kurdistan24, ‘[Kurdistan’s Gorran party to meet KDP on government performance...](#)’ 30 Jan 2020

"strategic agreement" that turned the former foes, KDP and PUK, into allies for a number of years.

'...Having grown fearful of the perceived domination of the KDP over Iraqi Kurdistan's affairs, the PUK's primary motive behind allying with Gorran serves to counterbalance the KDP. As two senior PUK officials put it, their party's aim is to restore the balance of power in Kurdistan -- not to undermine the KDP.

'As for Gorran, having been forced out of government institutions in a humiliating and illegal manner by the KDP, the decision to join forces with the PUK was the party's only way of remaining a relevant actor in the treacherous waters of Kurdish politics. As Mohammed Tofiq Rahim, a high-ranking Gorran official, put it, the deal was their best shot at "stopping KDP's unilateralism and re-establishing a balance" in Kurdistan's political system. Gorran's populist politics and constant efforts to harness popular disgruntlement to its advantage have brought it into confrontation with the KDP and PUK time and again over the past several years. The deal with the PUK is a sign that Gorran leaders, in particular General Coordinator Nawshirwan Mustafa, have realized they cannot achieve much in the long run if they are not part of a larger political structure. As the second most popular party in Kurdistan's 2013 elections, Gorran brings a large popular voting base while the PUK provides military support given its sizable Peshmerga and security forces.

'...The mere fact that Gorran chose such a strategic alliance with the PUK is an admission of failure in bringing about change through conventionally democratic means in Kurdistan. As senior PUK official Farid Asasard said, "If Gorran could have been successful on their own, they would not have entered into this agreement."⁴⁸

9.3.2 For more information and details about the deal between Gorran and the PUK see the full [Washington Institute article](#).

9.3.3 In December 2017 an article entitled 'Iraqi Kurdistan's Gorran party withdraws from government after protests' was published by Middle East Eye and stated that following demonstrations over the KRG's handling of the fallout from the September 2017 independence referendum and the announcement of budget cuts:

'The second largest party in the Iraqi Kurdish parliament has withdrawn from the government as protests continue to rock the statelet.

'The Gorran movement, along with the smaller Kurdistan Islamic Group, both withdrew their ministers from the Kurdistan Regional Government (KRG) coalition, while Yousif Mohammed Sadiq - speaker of the parliament and Gorran member - also resigned from his position.

'Gorran also announced it would be ending its "strategic" pact with the Patriotic Union of Kurdistan (PUK), which they accused of using force in the two parties' stronghold of Suleimaniyah.'⁴⁹

⁴⁸ Washington Institute, '[The New Politics of Iraqi Kurdistan](#)' 16 August 2016

⁴⁹ Middle East Eye, '[...Gorran party withdraws from government after protests](#)' 20 December 2017

10. 2020 protests

10.1.1 A number of protests took place in the KRI across 2020. In October 2020 EASO published a report, citing various sources, entitled 'Iraq: The Protest movement and treatment of protesters and activists' which provided the following summary of a number of protests which took place in the KRI during the first 7 months of 2020:

'On 12 and 13 January 2020, people gathered outside the Kurdistan Parliament building in Erbil to protest the passing of a new pension reform bill, which was seen as perpetuating disparities. On 27 January, security forces wounded two persons taking part in a protest east of Sulaimaniyya demanding better basic services. On 16 May, 167 persons, including 8 journalists, were arrested in Duhok, as teachers attempted to protest in response to unpaid wages. On 15 June, health care personnel went on strike to protest unpaid wages in Sulaimaniyya, and on 21 June, protesters briefly blocked roads in the city, again protesting unpaid wages and demanding better job opportunities. In late May and early June, several protests, including in Erbil and Sulaimaniyya, took place in response to lockdowns imposed due to the Covid-19 pandemic. In response to the protests, authorities eased some of the newly imposed restrictions on 2 June. On 6 July, new protests against unpaid wages took place in Sulaimaniyya.'⁵⁰

10.1.2 An article published in January 2021 by the Gulf Centre for Human Rights (GCHR) entitled 'Iraqi Kurdistan: A report on the popular protests and related human rights violations' stated:

'Since mid-August 2020, the Kurdistan Region of Iraq has witnessed a widespread mass and popular protest campaign, organised by a group of civil society activists, including teachers and journalists, from various segments of society. They demanded an end to political and financial corruption, improvement of public services, respect for the rights of employees and the payment of salaries that have been delayed for many months due to the continuing financial and economic crisis afflicting the region and Iraq, which in turn led to the deterioration of the living conditions of all citizens.'⁵¹

10.1.3 In August 2020 protests took place across Sulaymaniya over unpaid salaries, regular electricity outages and a failure to provide local business bailouts. Hundreds of protesters gathered in Sulaymaniya, storming the headquarters of political parties. Smaller protests also took place in Ranya and Qaladze, while attempts to protests were largely shut down by security forces in other areas. The main bazaar in Dahuk was closed and police in Erbil cut internet access for three hours during the scheduled times of the demonstration and broke up gatherings⁵².

⁵⁰ EASO, '[Iraq: The Protest movement and treatment of protesters...](#)' (page 23-24) October 2020

⁵¹ GCHR, '[...A report on the popular protests and related human rights violations](#)', 11 January 2021

⁵² Al-Monitor, '[Intel: Unpaid salaries fuel protests in Iraqi Kurdistan](#)' 16 August 2020

- 10.1.4 NRT TV also reported on other protests taking place in August 2020 in an article entitled ‘Protesters in Kurdistan Region Call For Government to Step Down, Early Elections’ which stated:

‘Protesters gathered in cities across the Kurdistan Region on Wednesday (August 12) to demand that the Kurdistan Regional Government (KRG) step down and that early elections be held under the auspices of the United Nations, but were prevented from congregating in several locations.

‘Primarily organized by the New Generation Movement, successful protests were held in Sulaimani, Halabja, Said Sadiq, Ranya, Qaladze, Kalar, Chamchamal, and Darbandikhan.

‘NRT reporters in Duhok and Erbil said that the security forces in those cities had prevented demonstrators from gathering in the designated locations.

‘...In a [statement published](#) on Tuesday [11 August 2020], the organizers issued a list of four demands, including the immediate dissolution of the KRG and early elections, the formation of a caretaker administration, the dissolution of the current electoral commission and its replacement of an independent one under the auspices of the United Nations, and the dissolution of the current judiciary and its replacement with independent judges free from partisan influence.

‘While the protests passed off peacefully in most locations, the security forces in Erbil and Duhok governorates closed down strategic locations to prevent protesters from congregating in public spaces.

‘In Duhok city and Shiladze town, municipal officials closed the main bazaars, justifying doing so by saying that they needed to be sanitized as a measure against the coronavirus outbreak, which prevented protesters from gathering there... In Erbil city, several dozen protesters who did manage to gather were later dispersed by police. An NRT camera operator was briefly detained while covering the demonstration and the reporting team’s equipment seized.’⁵³

- 10.1.5 On 25 August 2020 Al Jazeera English published a video entitled ‘[Northern Iraqis protest over salary arrears](#)’ on its YouTube channel.

- 10.1.6 The December 2020 IRIS report entitled ‘Why did Protests Erupt in Iraqi Kurdistan?’ which stated:

‘On December 2, 2020, small groups of protests formed across the eastern portion of the Kurdistan region of Iraq (KRI). The initial protests in Sulaimani city were organized by teachers and civil servants demanding the release of their delayed salaries. At first these demonstrations did not provoke alarm, as small-scale protests with these demands have become a feature of politics in the Kurdish region. However, reports soon emerged of party buildings in flames in Sulaimani’s districts of Sayyid Saddiq, Piramagrun, Darbandikhan, and Bazyan. Youths descended into the streets and chanted slogans for demands that went beyond the standard calls for better services and the payment of salaries. Protestors chanted against the ruling parties and the Kurdish political system with slogans such as “end the rule of

⁵³ NRT TV, ‘[Protesters in Kurdistan Region Call For Government to Step Down...](#)’ 12 August 2020

families,” referring to the Barzanis and Talabanis who control the two ruling parties, and “equality between independents and party affiliates.”

‘Compared to previous demonstrations in the KRI, the rhetoric of the December 2020 protests was more absolutist and its geographical scope was unprecedented. Far-flung mid-sized towns such as Kalar and Kifri witnessed some of the largest gatherings as well as the destruction of political party offices.

‘...While the streets of Kurdistan were quiet during the October 2019 protests that erupted in central and southern Iraq, fault lines in the Kurdish region were already growing and deepening that ultimately set the stage for the outbreak of protests in December 2020. Growing youth disillusionment with the political class, a widening gap between central and peripheral populations, and the ongoing PUK-KDP conflict have converged together at a time when the country is facing the worst economic crisis of the post-2003 era as a result of the COVID-19 pandemic and low oil prices’⁵⁴

- 10.1.7 In December 2020 the Associated Press published two videos on its YouTube channel entitled ‘[Protesters burn down offices of local authorities](#)’ and ‘[Protests continue in Kurdish-run region of Iraq](#)’ which contain footage of demonstrations taking place.
- 10.1.8 The following graphs show the number of protests/riots across Erbil, Sulaymaniyah, Dahuk and Kirkuk governorates in 2020 and across the first 3 months of 2021 (data for Halabja governorate was unavailable). These graphs were produced by CPIT using data provided by the Armed Conflict Location & Event Data Project (ACLED). According to ACLED protests are defined as ‘a public demonstration in which the participants do not engage in violence, though violence may be used against them. Events include individuals and groups who peacefully demonstrate against a political entity, government institution, policy, group, tradition, businesses or other private institutions’⁵⁵. Riots are defined by ACLED as ‘violent events where demonstrators or mobs engage in disruptive acts, including but not limited to rock throwing, property destruction, etc. They may target other individuals, property, businesses, other rioting groups or armed actors’⁵⁶. For more information see the [ACLED](#) website.

⁵⁴ IRIS, ‘[Why did Protests Erupt in Iraqi Kurdistan?](#)’ (page 2,6) December 2020

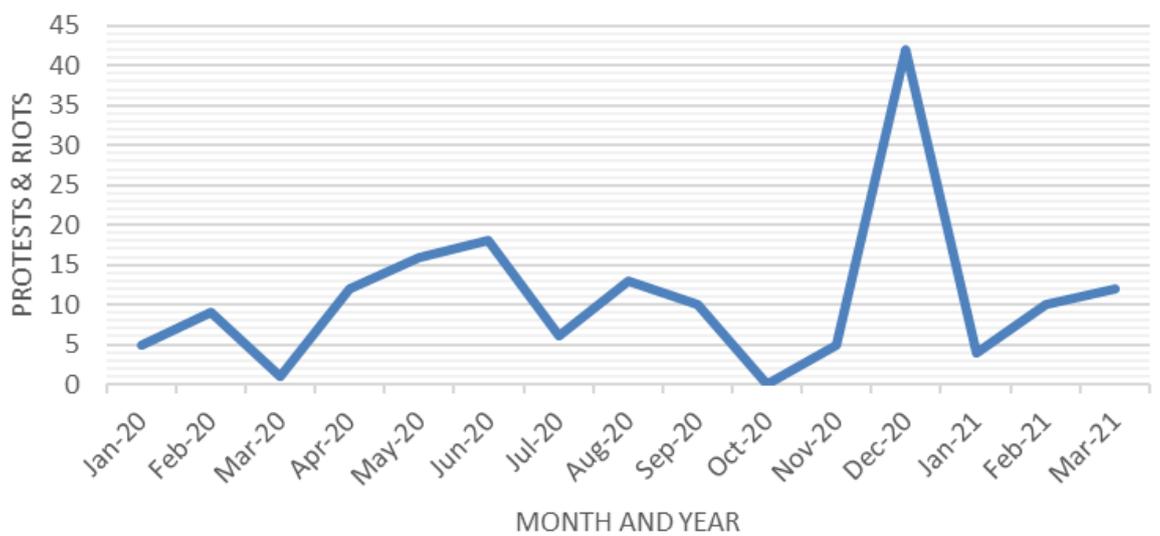
⁵⁵ ACLED, ‘[Armed Conflict Location & Event Data Project Codebook](#)’ (page 13) 2019

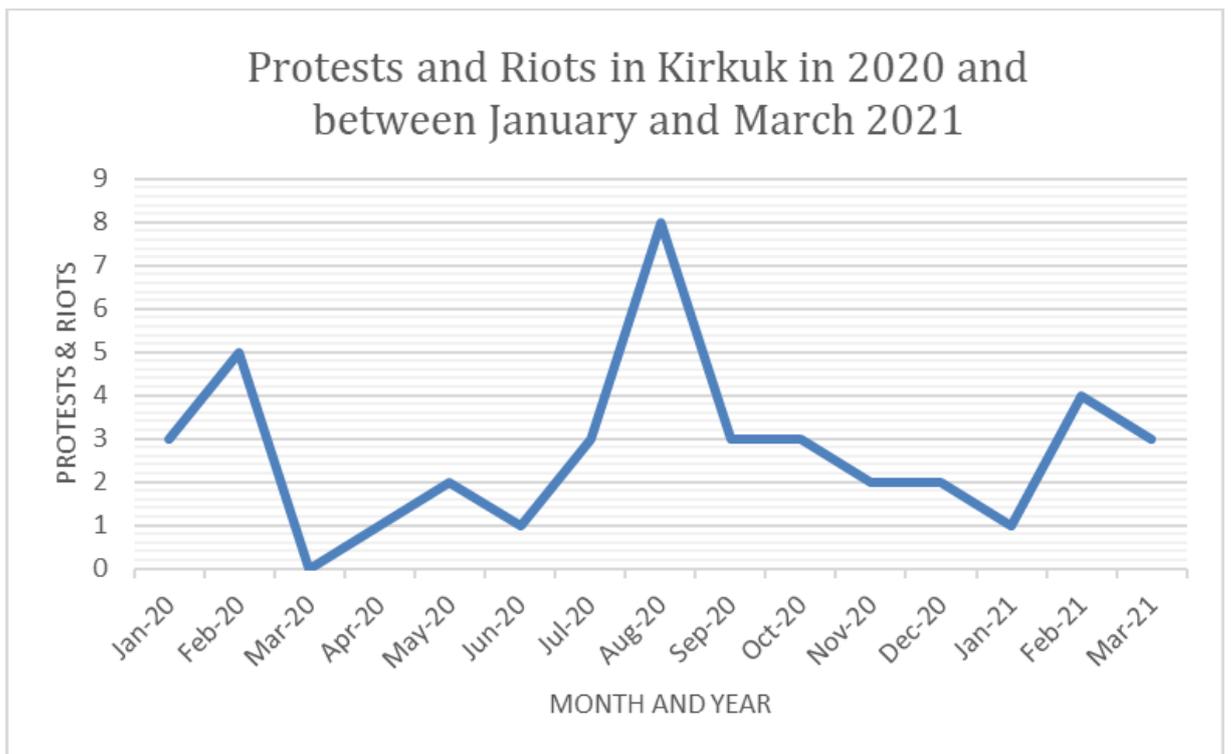
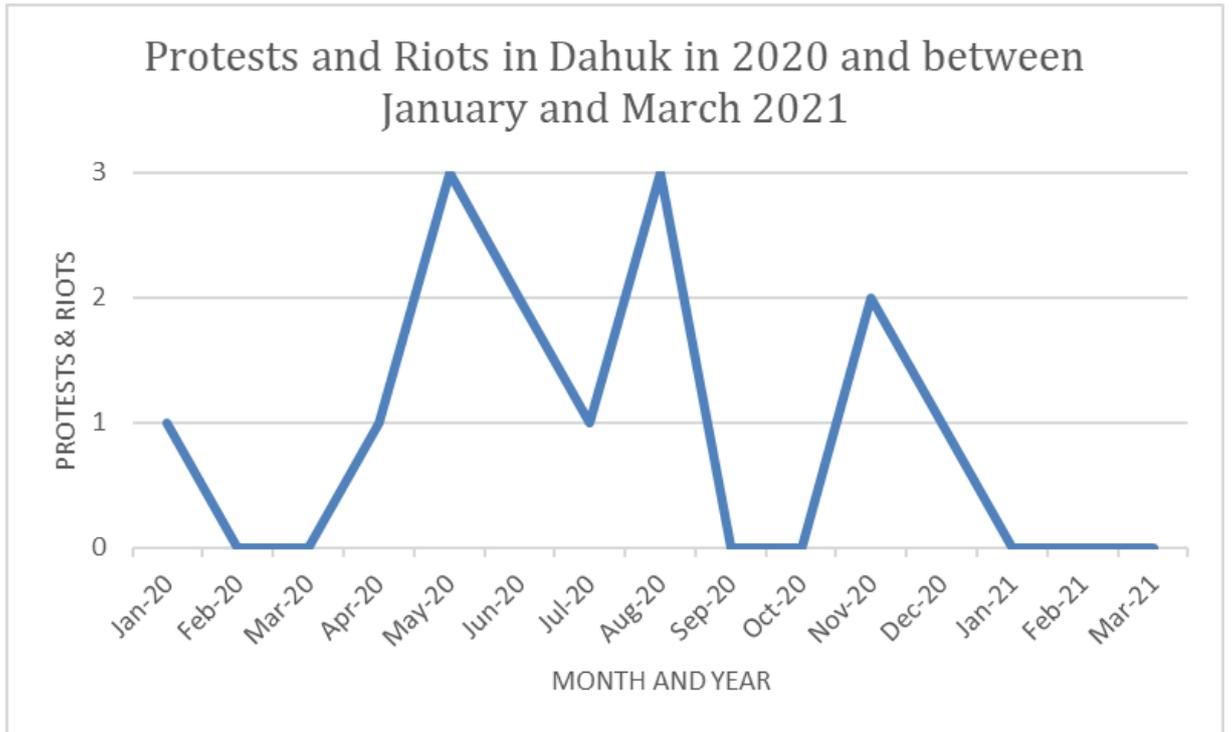
⁵⁶ ACLED, ‘[Armed Conflict Location & Event Data Project Codebook](#)’ (page 14) 2019

Protests and Riots in Erbil in 2020 and between January and March 2021



Protests and Riots in Sulaymaniyah in 2020 and between January and March 2021





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⁵⁷ ACLED, [‘Data Export Tool’](#) no date

11. Treatment of opponents to the KRI authorities

11.1 Arrests and detentions

11.1.1 In May 2020 Human Rights Watch (HRW) published an article entitled 'Kurdish Authorities Clamp Down Ahead of Protests' which stated:

'According to a journalist and two teachers from the city of Duhok in Iraq's Kurdistan Region, KRI government employees, including teachers, have not received salaries since February, reportedly because of crashing oil prices and the economic fallout from Covid-19. Delayed salaries have been a persistent issue since 2015, triggering protests that Kurdistan authorities regularly meet with arbitrary arrests.

'On May 13, a group of mostly teachers submitted a request to the Dohuk governor's office to hold a protest on May 16 calling for salaries to be paid. The requirement to request permission to protest – which conflicts with international law's protection of the right to peaceful assembly – stipulates that if authorities do not respond to the request within 48 hours, permission is automatically granted.

'On May 15, the governorate posted a statement on its Facebook page saying it had seen "propaganda and calls for a protest" but that there was no permission for the protest and threatened "legal consequences" if it proceeded. But it did not actually respond to the formal request, a protest organizer said, nor invoke Covid-19-related restrictions as a reason for not granting permission.

'On May 16, security forces set up checkpoints and barriers to close off the park designated as the protest location. On May 15 and 16, security forces arrested dozens of protesters – at least two from their homes and many more who turned out on May 16. They also arrested at least eight journalists. Authorities released most of those arrested within five hours, but only after preventing this most recent attempt to peacefully protest.

'On May 19, Dr. Dindar Zebari, the regional government's coordinator for international advocacy, acknowledged that the arrests were for "organizing unauthorized demonstrations" and justified the arrests by stating that the protests had violated Covid-19 prevention measures, even though local authorities had lifted almost all movement restrictions and did not mention any gathering restrictions at the time.'⁵⁸

11.1.2 In May 2020 Amnesty International (AI) published an article entitled 'Police arrests teacher and protest organizer' which stated:

'Badal Abdulbaqi Aba Bakr Barwari has been working as a teacher in Duhok for over 27 years and is an activist defending teachers' rights, most recently in relation to the delayed payment of wages of teachers in the KRI.

'On 16 May 2020, teachers and civil servants attempted to gather in Azadi Park in Duhok to protest the delayed payment of salaries by the KRG authorities. Protesters told Amnesty International that security forces as well as armed men in civilian clothing blocked the protesters from reaching the

⁵⁸ HRW, '[Kurdish Authorities Clamp Down Ahead of Protests](#)' 19 May 2020

park and immediately began to push and drag some of them away. At least 167 protesters, among them teachers, civil servants, and media workers were arrested. Most were released on the same day, but Badal and at least 12 others remained in detention. Of those 12, five remain detained after local authorities brought forward charges under the Article 2 of KRI Law No. 6 of 2008 for the “the misuse of electronic devices” for their role in organizing the protest.⁵⁹

11.1.3 In July 2020 AI provided an update on Barwari’s case and stated:

‘On 31 May 2020, teacher and activist Badal Abdulbaqi Aba Bakr Barwari was released on bail from a detention centre in Duhok, Kurdistan Region of Iraq (KR-I). While the charges related to Badal Barwari’s freedom of speech and peaceful assembly have not been dropped, no court date has been set and is unlikely to be set soon given lockdown measures to combat the spread of COVID-19 in the KR-I. According to his family and lawyer, based on previous patterns, it is likely that the charges will be dropped or that Badal Barwari will be sentenced to pay a fine as no damages or violence occurred during the protests that he took part in organizing.’⁶⁰

11.1.4 However in August 2020 Barwari was arrested again. Ekurd Daily stated the following in an article entitled ‘KDP security forces arrest activist Badal Barwari and his son in Duhok’:

‘The security forces affiliated with Kurdistan Democratic Party KDP in Duhok arrested Kurdish activist Badal Abdulbaqi Aba Bakr Barwari and journalist Omed Haji on Tuesday evening , taking them to Duhok’s Adult Reform Prison... The day before he was arrested, Barwari appeared on NRT TV to discuss the KRG’s decision to cut public sector salaries for the August disbursement.

“The government is playing with people,” Barwari said in the interview.

“Before the [2017 independence] referendum, there were hopes that the Kurdistan Region would become a state, that law will be enforced again, and that there would be justice, but it is clear to people that there is no law, the rules only apply to poor people,” he continued.

“There is no justice in the Kurdistan Region,” he said, approximately 32 hours before being taken into custody and having his house raided by the security forces.⁶¹

11.1.5 In February 2021 Rudaw reported that Barwari’s trial was set to take place⁶², however on 15 February 2021 his case was sent back to court for further hearings due to a lack of evidence⁶³.

11.1.6 An article published by NRT TV on 9 April 2021 stated that Barwari was still being detained and according to his lawyer his health was in danger and had

⁵⁹ AI, [‘Police arrests teacher and protest organizer’](#) May 2020

⁶⁰ AI, [‘Urgent Action Outcome: Teacher and protest organizer released on bail’](#), 17 July 2020

⁶¹ Ekurd Daily, [‘KDP security forces arrest activist Badal Barwari and his son in Duhok’](#) 18 Aug 2020

⁶² Rudaw, [‘Duhok detainees to go on trial on Monday: family members’](#) 14 February 2021

⁶³ Rudaw, [‘Kurdistan Regional Government under fire for jailing journalists’](#) 17 February 2021

“completely deteriorated”⁶⁴. CPIT could find no further information regarding when Barwari’s trial will take place at the time of writing.

- 11.1.7 On 4 September 2020 GCHR published an article entitled ‘Iraqi Kurdistan: Local authorities must respect public freedoms and release all peaceful protesters and activists’ which stated:

‘Since 17 August 2020, the security forces, including the Asayish (Internal Security Service), have launched a widespread campaign of arrests in the cities of Erbil and Dohuk, including more than dozens of civil society activists, journalists, and teachers, to prevent them from demanding their legitimate rights in peaceful demonstrations.

‘...reliable reports indicate that the security forces in the Governorates of Erbil and Dohuk made arbitrary arrests without a judicial order, and placed the detainees in prisons that lack health care and cleanliness. One of the detainees, journalist Farouk Omar, who was among those released, stated that he was deprived of water and food for two days, while being held in the Asayish headquarters in Zakho. He said that it was difficult to breathe in detention and he witnessed the impact of the poor conditions on the health of journalist Ahmed Zakhoy and activist Junkir Sindi, before they were released on 22 August 2020.

‘On the evening of 18 August 2020, Asayish forces arrested teacher and activist Badal Abdulbagi Barwari, teacher and activist Dilshad Koharzi, teacher and activist Saleh Abduljabbar Dosky and activist Omid Brushki, after raiding their homes in the city of Dohuk, and they remain in detention.

‘On 13 August 2020, the authorities arrested some activists and citizens who planned to organise a special ceremony to mark the fourth anniversary of the assassination of journalist Wedat Hussain Ali, and they were all released later that day.

‘On 27 June 2020, the Asayish forces in the Shiladzi region arrested photojournalist Qaraman Shukri from his home without a court order after a demonstration in the area condemning the authorities’ silence on the attack carried out by Turkish aircraft on 19 June 2020, which killed six civilians. The authorities had previously arrested Shukri last year, when he remained in prison for three weeks after his participation with the people of Shiladzi in protests condemning Turkish aggression, which at that time resulted in the death and injury of a number of civilians.

‘On 18 September 2019, the security forces had arrested five activists, all of them residing in the Chiladze region, for their participation in the popular protests against the attacks of the Turkish forces. They are, Jamal Tahsin Bahauddin Jevi Dosky Gawari, Villar Ali Oremari, Kav Hasan Mohammed Oremari, Lazvin Abdullah Oremari, and Hazem Shehbaz Rajkani. They are still being detained.’⁶⁵

- 11.1.8 The same source also published a list of 42 individuals who were arrested in Iraqi Kurdistan during August 2020 and later released⁶⁶.

⁶⁴ NRT TV, ‘[...Parliament Committee was not allowed to see imprisoned activist...](#)’ 9 April 2021

⁶⁵ GCHR, ‘[...Local authorities must...release all peaceful protesters and activists](#)’ 4 September 2020

⁶⁶ GCHR, ‘[...Local authorities must...release all peaceful protesters and activists](#)’ 4 September 2020

- 11.1.9 In October 2020 the Euro-Mediterranean Human Rights Monitor (EMHRM) published a report entitled '[Iraqi Kurdistan: Exacerbating Crises and Stolen Rights](#)' which provided information on the demonstrations including the arrest of peaceful demonstrators and a list of detainees. The same source additionally published a video on their YouTube channel entitled '[200 detainees in two months of demonstrations in Iraqi Kurdistan](#)'.
- 11.1.10 On 10 December 2020 GCHR published an article entitled 'Iraqi Kurdistan: Authorities use lethal force against peaceful protesters' which stated:
- 'Mass demonstrations broke out in various parts of the Iraqi Kurdistan region, particularly in Sulaymaniyah Governorate, earlier this month and continued until the publication of this report... The protests began on 05 December 2020 by employees and teachers in Sulaymaniyah who demanded payment of back wages and financial dues that they had not received for many years. The protests gained popular momentum due to poor living conditions for citizens, deteriorating public services, rampant financial and administrative corruption, lack of transparency in oil revenues, and ambiguity of contracts made with foreign oil companies.
- 'The protests intensified in the city of Sulaymaniyah, expanding from the famous Mawlawi Street to include most of the city's main streets down to Saray Azadi Square in the city centre. However, the security forces attacked the demonstrators, most of whom were activists and young demonstrators, and arrested dozens of them and put them in prison. On the evening of the same day, 05 December, the security forces released all detainees.'⁶⁷
- 11.1.11 On 12 December 2020 the Washington Post published an article entitled 'Protests flare in Iraq's Kurdish north, adding new front in national crisis' which stated:
- 'Main squares have been closed by security forces in the Kurdish north. Activists have been detained from their homes in an apparent attempt to halt further dissent. Instead, protesters gather in marketplaces or on roadsides near government buildings, before soldiers pour in to shut them down and detain whom they can.
- '... "The two main ruling parties hold absolute power. All they want is to keep their power," said Ahmed Amin, an activist who said that several of his friends had been arrested participating in demonstrations during recent days.
- "As a people, we have nothing to live for," he added. "They have destroyed our future, they have taken our hope. That's why we're here."⁶⁸
- 11.1.12 The article published in January 2021 by the Gulf Centre for Human Rights (GCHR) stated:
- 'In Sulaymaniyah Governorate, many activists were arrested, but all of them were released after a short period. More than 50 activists were arrested in Dohuk Governorate, and dozens were arrested in Erbil Governorate during the past three months. A number of them have been released at different times, but some of them are still in prisons run by the Asayish forces

⁶⁷ GCHR, '[Iraqi Kurdistan: Authorities use lethal force against peaceful protesters](#)' 10 December 2020

⁶⁸ Washington Post, '[Protests flare in Iraq's Kurdish north...](#)' 12 December 2020

(Internal Security). Journalists who covered the protests were targeted with excessive force, and a number of them were arrested.’⁶⁹

11.1.13 In March 2021 Freedom House stated that ‘Political speech in the Kurdistan region can...prompt arbitrary detentions or other reprisals from government or partisan forces. Kurdish authorities arrested protesters and organizers, as well as bloggers, for criticizing COVID-19 lockdown measures, corruption, and the non-payment of state salaries. In December 2020, Kurdish authorities also arrested dozens of young men for calling for protests in their social media posts.’⁷⁰

11.1.14 On 30 March 2021 the United States Department of State (USSD) published its annual report on human rights practices in Iraq, covering events in 2020. The report stated:

‘KRG security forces detained at least 50 protesters, activists, and journalists in late August in the towns of Zakho and Duhok. Many observers called the detentions arbitrary, either because persons were detained for exercising their right to peaceful assembly, or because authorities ignored their right under law to be brought before a judge within 24 hours.

‘Central government and KRG forces arrested and detained protesters and activists critical of the central government and of the KRG, respectively, according to statements by government officials, NGO representatives, and press reports.’⁷¹

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11.2 Journalists and restrictions on media freedom

11.2.1 On 18 May 2020 the Committee to Protect Journalists (CPJ) published an article entitled ‘Security forces in Iraqi Kurdistan detain 8 journalists in Duhok covering protest; charge 4’ which stated:

‘On May 16, Kurdish security forces arrested at least eight journalists working for media outlets affiliated with the Kurdistan Islamic Union (KIU) and the Patriotic Union of Kurdistan (PUK) opposition parties while they were covering a protest by public officials against unpaid salaries in Duhok, a city in western Iraqi Kurdistan...

‘Those arrested were Speda TV reporters Azad Mukhtar, Ali Shali, and Akram Guli; Speda TV cameraman Hajar Salman; director of the KIU-affiliated broadcaster Khabir TV, Maher Sakfan; director of the KIU-affiliated Khabir Radio, Ahmad Sharnakhi; reporter for KIU-affiliated news website PRS Media, Omed Haji; and Karwan Sadiq, a reporter for the PUK-affiliated broadcaster Gali Kurdistan, according to the Metro Center and Abdulkareem Ahmed [general manager of the KIU-affiliated broadcaster Speda TV].

‘The same sources and Ramadhan Artesey, the lawyer representing the journalists, said the security forces also seized the journalists’ equipment; held Mukhtar, Salman, Sadiq, and Sali for several hours; and held the remaining four until today, when they were released on 2 million Iraqi dinars

⁶⁹ GCHR, ‘[...A report on the popular protests and related human rights violations](#)’, 11 January 2021

⁷⁰ Freedom House, ‘[Freedom in the World 2021 – Iraq](#)’ (section D4) 3 March 2021

⁷¹ USSD, ‘[2020 Country Report on Human Rights Practices: Iraq](#)’ (page 9, 21) 30 March 2021

(\$1,680) bail after being charged under Law 11 regulating the organization of demonstrations.

'Azad Mukhtar told CPJ on the phone yesterday that security forces seized their equipment as soon as they got out of the car, accusing them of being troublemakers and saboteurs.

"Initially they didn't arrest the Speda TV crew. We were waiting for them to give us back our equipment, when they arrested us and took us to a police station, where we were held from 3:30 to 9 p.m. At the station they asked us to sign a testimony, but we refused and requested to see our lawyers before signing anything. They tried to intimidate us by saying that they could force us to sign 10 testimonies and not see our lawyers. We eventually signed it. When we were released, they returned our equipment and the lens cap of the camera was broken," Mukhtar said.

'Ahmed, general manager of Speda TV, told CPJ yesterday that his staff was arrested while they were covering the protest organized by teachers who have not been paid their salaries in months.

"They didn't engage in activism. They were reporting on the protest," he said.⁷²

11.2.2 In October 2020 HRW published an article entitled 'Kurdistan Region of Iraq: Media Offices Shut Down' which stated:

'Kurdish authorities have unlawfully closed two offices of a private media outlet, NRT, for over a month, apparently for covering protests and for broadcasts critical of the ruling party, Human Rights Watch said today.

'The Kurdish authorities had no court order and only imposed the shutdown in Erbil and Dohuk, the areas controlled by the Kurdistan Democratic Party, raising concerns that the closure is politically motivated.

"If NRT broke the law, surely the authorities would have taken the appropriate measures to take the outlet to court," said Belkis Wille, senior crisis and conflict researcher at Human Rights Watch. "But party officials have instead chosen to take actions outside of the scope of the law."

'...On August 11, 2020, Shaswar Abdulwahid Qadir, the leader of the opposition New Generation Movement political party in the Kurdish Region, issued a call on NRT, a private media outlet with TV and radio stations and a website that he owns, for public protests to demand better education, employment opportunities, and anti-corruption measures. On August 12, his call triggered protests across the region that lasted for about a week. NRT, which has both Kurdish and Arabic language channels, was the only outlet to cover the protests in any detail.

'On August 19, NRT's news director, Rebwar Abd al-Rahman, and another employee who was there told Human Rights Watch that the Asayish – the regional government's security forces – raided their office in Dohuk and held the staff there for several hours, then ordered them to go home, seemingly in response to the protest coverage.

⁷² CPJ, ['Security forces in Iraqi Kurdistan detain 8 journalists in Duhok; charge 4'](#) 18 May 2020

'Al-Rahman said the security forces did not present a court order but said that they had instructions from a Kurdistan Democratic Party official to close down the offices. Al-Rahman said the Asayish also closed their Erbil offices on the same day, again without presenting any court documents. The offices have remained shut, though the channel has remained on the air as authorities did not close its headquarters in Sulaymaniyah down. This has meant that reporting teams in Dohuk and Erbil have been unable to report from the field and appear on TV spots.'⁷³

11.2.3 The same source further stated:

'The authorities have taken other measures to intimidate NRT's staff. On August 19, the Asayish arrested an NRT reporter in Zakho under the KRI's Law for the Organization of Demonstrations (11/2010), which prohibits people from participating in protests for which the organizers have not sought advanced permission from authorities.

'They held him for 11 days, then released him on bail and later dropped the charges, acknowledging he had been covering the protests as a journalist, al-Rahman, the news director, said. He said they also confiscated video equipment of two other reporting teams in Akre, one as a team passed through a checkpoint to report on a Turkish airstrike and the other at a checkpoint outside of Amadiya.'⁷⁴

11.2.4 The GCHR article which focussed on the protests in the KRI in December 2020 stated:

'Journalists who were covering the protests were targeted with excessive force and a number of them were arrested. The security forces destroyed the equipment needed for external broadcasts by a number of television channels, several of which were prevented from covering the demonstrations.

'On 07 December 2020, the Ministry of Culture in the Kurdistan Region announced the closure of the NRT channel and stated, "The channel was closed due to its failure to comply with the instructions related to the regulation of the audiovisual media field, and irresponsible behaviour at this time and far from the law, and describing the security forces as militia and bandits, despite the channel's alert several times." The statement added, "We decided to stop the broadcasts by the NRT channel for a whole week." The NRT channel reported on the same morning that security forces stormed its headquarters in Sulaymaniyah and seized the equipment.'⁷⁵

11.2.5 The same source provided further details on treatment of journalists trying to cover the protests:

'- Journalist Harim Majeed, director of Digital Bazian News, was arrested by the security forces while covering the events of the demonstrations in Bazian district, near Sulaymaniyah;

⁷³ HRW, '[Kurdistan Region of Iraq: Media Offices Shut Down](#)', 6 October 2020

⁷⁴ HRW, '[Kurdistan Region of Iraq: Media Offices Shut Down](#)', 6 October 2020

⁷⁵ GCHR, '[Iraqi Kurdistan: Authorities use lethal force against peaceful protesters](#)', 10 December 2020

'- The Zayan news network team was attacked by the security forces in the Kalar district, in the Garmian region, in the north of Kirkuk Governorate;⁷⁶

11.2.6 In February 2021 Rudaw published an article entitled 'Kurdistan Regional Government under fire for jailing journalists' stated:

'The Committee to Protect Journalists (CPJ) has called on the Kurdistan Regional Government (KRG) to "immediately" release two journalists who were sentenced to six years in prison by an Erbil court on Tuesday.

'On Monday, seven people, including two journalists, were put on trial for "endangering the national security of the Kurdistan Region." Five of the defendants - Sherwan Sherwani, Shvan Saeed, Ayaz Karam, Hariwan Issa, and Guhdar Zebari – detained for several months, were found guilty and sentenced to six years in jail the following day.

'...The ruling has caused outrage in the Kurdistan Region and abroad, with the CPJ calling on the government to respect freedom of the press.

"Today's sentencing of journalists Sherwan Amin Sherwani and Guhdar Zebari is not only unfair and disproportionate, but it also proves that the Iraqi Kurdistan regional government has finally dropped the pretense of caring about press freedom," CPJ Middle East and North Africa Representative Ignacio Miguel Delgado said on Tuesday. "Kurdish authorities in northern Iraq should immediately release both journalists, drop the charges against them, and cease harassing the media."

'...The men were arrested in Duhok province last year after anti-government protests over unpaid wages. Kurdish security forces, known as Asayish, detained over two dozen people, including a teacher whose family says committed no offense.'⁷⁷

11.2.7 On 24 March 2021 the Financial Times published an article entitled '[Iraqi dreams of democracy fade with arrests of journalists](#)'. The article includes details of a journalist who was arrested after covering protests in Duhok and accused of being a spy. Due to Financial Times copyright requirements CPIT is unable to republish the contents of the article.

11.2.8 In March 2021 Freedom House stated:

'In 2019 and 2020, Kurdish Regional Government authorities continued to intensify their repression of the activities of the New Generation opposition party and its affiliated media outlet, Nalia Radio and Television (NRT), which is owned by the party leader Shaswar Abdul Wahid. In April 2019, security forces detained over 80 members of the New Generation party, allegedly for defamation and insulting a state employee. In August 2020, authorities unlawfully shut and raided two NRT offices for over a month. In December, they raided two other offices and suspended the outlet's broadcasting license. The Ministry of Culture and Youth, which issued the suspension, claimed that NRT had broken rules regulating broadcast media, though they

⁷⁶ GCHR, '[Iraqi Kurdistan: Authorities use lethal force against peaceful protesters](#)' 10 December 2020

⁷⁷ Rudaw, '[Kurdistan Regional Government under fire for jailing journalists](#)' 17 February 2021

did not specify which rules had been broken. NRT had covered violence during antigovernment protests throughout the year.⁷⁸

11.2.9 The same source further stated that ‘In 2020, KRG authorities intensified the persecution and harassment of media outlets and journalists, particularly those covering anti-KRG protests relating to economic hardship and corruption.’⁷⁹

11.2.10 The USSD report published in March 2021 stated:

‘The IKR press law does not give the KRG the authority to close media outlets, but in August the KRG closed the Kurdish Nalia Radio and Television (NRT) offices in Erbil and Duhok over the television station’s coverage of protests. On September 9, KRG coordinator for international advocacy Dindar Zebari defended the move stating that NRT violated Article 2 of Law 12 of 2010, which bars encouraging a public disturbance or harming social harmony in accordance with IKR law.

‘Government forces sometimes prevented journalists from reporting, citing security reasons. Some media organizations reported arrests and harassment of journalists, as well as government efforts to prevent them from covering politically sensitive topics, including security issues, corruption, and government failure to provide adequate services.

‘...Throughout the IKR there were reports of beatings, detentions, and death threats against media workers. In some cases the aggressors wore KRG military or police uniforms. In particular journalists working for NRT were frequently arrested. On August 14, the Committee to Protect Journalists (CPJ) reported that Kurdish security forces in Erbil briefly detained an NRT crew covering protests in the city and seized their equipment. Rebwar Kakay, head of NRT’s office in Erbil, told the CPJ that authorities held the journalists without charge for eight hours at Erbil’s Azadi police station, and that the team’s cameras, live streaming devices, press badges, and cell phones were seized.

‘Certain KRG courts applied the more stringent Iraqi criminal code in lawsuits involving journalists instead of the IKR’s own Press Law, which provides greater protection for freedom of expression and forbids the detention of journalists. KRG officials increased their use of lawsuits against journalists critical of the KRG, including applying laws such as the Law of Misuse of Electronic Devices instead of the IKR press law. In the first nine months of the year, KRG officials from various government offices filed eight independent lawsuits against freelance journalist Hemn Mamand after he posted content on Facebook critical of the KRG’s COVID-19 response. Mamand was arrested twice, in March and again in April, and spent 34 days in detention on charges levied under the Law of Misuse of Electronic Devices.’⁸⁰

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⁷⁸ Freedom House, ‘[Freedom in the World 2021 – Iraq](#)’ (section B2) 3 March 2021

⁷⁹ Freedom House, ‘[Freedom in the World 2021 – Iraq](#)’ (section D1) 3 March 2021

⁸⁰ USSD, ‘[2020 Country Report on Human Rights Practices: Iraq](#)’ (page 21,23) 30 March 2021

11.3 Extrajudicial killings and excessive use of force

11.3.1 The article published by GCHR which focused on the protests across the KRI in December 2020 stated that 'The security forces used live ammunition and tear gas canisters in their efforts to disperse the protesters, killing at least six protesters and wounding dozens, as well as severely beating a number of them.'⁸¹

11.3.2 The same source provided further details on those killed and injured during the protests by security forces:

'- Peaceful protester Adham Yahya was killed during the demonstrations in the Chamchamal district, with live bullets in front of the Kurdistan Democratic Party headquarters in the city;

'Peaceful protester Ako Suleiman was killed in Kifri district in the main street leading to the headquarters of the Kurdish parties;

'- Three peaceful demonstrators were injured as a result of bullets fired by the security forces in Halabja Governorate, and the condition of one of them is precarious;

'...- Peaceful demonstrator Hiwa Fuad Kannageire was shot by the security forces in Tkiyeh sub-district. He was born in 2000, and was a student in the first stage of the Faculty of Law and Politics at the University of Sulaymaniyah;

'...two peaceful protesters were killed by security forces in Sulaymaniyah Governorate. They are Mohammed Omar, 15 years old, from Arbat sub-district who has been killed on 09 December 2020 and Sarbast Othman, from Darbandikhan district, who has been killed on 08 December 2020.'⁸²

11.3.3 In December 2020 Middle East Monitor (MEM) published an article entitled 'Iraq: 8 killed in Sulaymaniyah protests' which stated:

'Eight people have been killed during ongoing protests over deteriorating living conditions and delayed salaries in the Sulaymaniyah Governorate in the semi-autonomous Kurdistan region of Iraq since 3 December, the Iraqi High Commission for Human Rights reported yesterday.

'The body said in a statement: "Kurdish security forces used tear gas canisters, rubber bullets and live bullets, which resulted in the killing of eight people and wounding 54 others."⁸³

11.3.4 In the December 2020 article published by The Washington Post stated:

'At least seven people have been killed in the protest violence in northern Iraq, according to the country's human rights commission. Most of the dead have been young men and teenagers as young as 13.

'...Several blocks away [in Saidaadiq, a city in Sulaymaniyah], the road was filling with mourners paying their respects to the family of Harem Ali, a tousle-haired 13-year-old shot dead by security forces as he joined the

⁸¹ GCHR, '[Iraqi Kurdistan: Authorities use lethal force against peaceful protesters](#)' 10 Dec 2020

⁸² GCHR, '[Iraqi Kurdistan: Authorities use lethal force against peaceful protesters](#)' 10 Dec 2020

⁸³ Middle East Monitor, '[Iraq: 8 killed in Sulaymaniyah protests](#)' 11 December 2020

protests Tuesday. His father, Ali, was a retired public servant who had not received his government pension for months.

“He knows why his son was out there,” said a family friend who spoke on the condition of anonymity, citing fear of reprisals from the security forces if he discussed a protest-related topic. “Harem felt his father’s humiliation so deeply, it made him angry.”

‘At times, his father felt too broken to greet the visitors. And so his oldest son, Hayman, stood out in the darkness instead, shaking neighbors’ hands as he stared numbly down at his feet.

‘Harem, he said, had been threatened with a grounding if he sneaked out to the protests again. His family thought he was still in his room when the phone call came through to say he had been shot.

“He’s a child. They killed a child,” Hayman said. He paused, and then his tone sharpened. “These protests are the only way we can express our anger. These protests are us screaming.”⁸⁴

11.3.5 In December 2020 Rudaw English published a video on their YouTube channel entitled [‘Family mourn protester killed in Chamchamal’](#).

11.3.6 In March 2021 Freedom House stated: ‘On August 12 [2020], Huner Rasool, a journalist with Gali Kurdistan TV, died while attempting to escape clashes between Kurdish security forces and protesters in Ranya....In May 2020, KRG security forces in Dohuk opened fire and arrested protesters who were demanding improvement in living conditions, an end to corruption, and payment of unpaid state salaries.’⁸⁵

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11.4 Detention conditions

11.4.1 The October 2020 report published by EMHRM looked at prison conditions and stated:

‘...Euro-Med Monitor’s team met Muhammad Maruf Nuri, the director of the anti-torture programme at the Arab World Center for Democratic Development. He stated:

“Having observed detention centers, we found that detainees are kept in places that lack the basic life requirements. Most detention centers keep detainees in rooms or warehouses -- places that don’t have the basic life requirements such as sunshine, heating, light, or bathrooms. In addition, in these centres, detainees are not provided with meals; instead, they have to buy food themselves although they are poor. This reflects the catastrophic situation in detention centers”

‘Euro-Med Monitor’s team met a group of detainees, who revealed the worsening situation inside these centers and how they lack the basic precautionary measures to prevent the spread of COVID19. In an interview with, Hayman Mamend Had, a journalist and an activist, said: “I was arrested twice during the COVID19 pandemic crisis. The first time was on March 10

⁸⁴ Washington Post, [‘Protests flare in Iraq’s Kurdish north...’](#) 12 December 2020

⁸⁵ Freedom House, [‘Freedom in the World 2021 – Iraq’](#) (section D1, E1) 3 March 2021

2020, at 10:30 pm. About 20 security vehicles and 100 security personnel stormed my house to arrest me for criticizing the authorities' performance in fighting the COVID19 pandemic. They used the pandemic as an excuse to impose restrictions on political activists amid the absence of proper handling of the economic situation.

'I was detained at several security centers [for short periods of time] before I arrived at Al-Mahatta Central Prison on the Mosul Road in Erbil. During the deportation period, despite the COVID19 outbreak, there was no respect for health standards such as wearing masks, using sanitizers, social distancing where we were moved in an overcrowded vehicle. When I arrived, I was placed in a room measuring about 5x10 meters with 50 other prisoner convicted of serious felonies such as murder, rape, and, abuse.

'...Throughout my detention, I was deprived of exposure to sunlight, causing me skin health problems which I still suffer from until now. Being a political prisoner, I was deprived of contacting my family unlike other prisoners. On April 5 2020 I was released on bail. The next day at 1 am, however, security forces stormed my house and arrested me for the second time in front my mother. Once again, I was detained in several detention centers then moved to Al-Mahatta prison with the same conditions I suffered from during the first arrest, despite the spread of the pandemic. I was denied contacting my family or being exposed to sunlight. On April 2020, 28, I was released on bail. In both times, I paid an amount of 30 million dinars (25,000\$ US). My bail bondsmen are daily subjected to harassment. Being threatened and arrested several times, in May, 2020, I left my city and went to Sulaymaniyah.'⁸⁶

11.4.2 See the [full report](#) for the account of another individual who was detained by the Kurdish authorities in August 2020.

11.4.3 The USSD report covering events in 2020, provided an overall summary of prison and detention centre conditions in the KRI and stated:

'The number of detainees increased beyond the designated capacity across the Iraqi Kurdistan Region's (IKR) six correctional centers. The Independent Human Rights Commission Kurdistan Region (IHRCKR) reported the Erbil Correctional Center, built to house 900 detainees, held 1,957 inmates. The IHRCKR reported three inmates with chronic disease died without getting proper medical treatment due to overcrowding of detention centers. Limited medical staff was unable to handle all cases and provide adequate medical services to all prisoners.

'Within the IKR, provinces applied parole and criminal code provisions inconsistently. Legal procedures were often delayed by administrative processing, and parole decisions were not made in a timely fashion.

'According to UNAMI, the KRG's newer detention facilities in major cities were well maintained, although conditions remained poor in many smaller detention centers operated by the KRG Ministry of Interior. In some KRG Asayish detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults.

⁸⁶ EMHRM, '[Iraqi Kurdistan: Exacerbating Crises and Stolen Rights](#)' (page 30-32) October 2020

‘...The KRG inconsistently applied procedures to address allegations of abuse by KRG Ministry of Interior officers or the Asayish. In a September report on prison conditions across the IKR, the IHRCKR stated that some prisons failed to maintain basic standards and to safeguard the human rights of prisoners. The report emphasized the need for new buildings and for laws to protect the rights and safety of inmates.’⁸⁷

11.4.4 The same source further stated:

‘KRG authorities also reportedly held detainees for extensive periods in pretrial detention; however, no data was available regarding the approximate percentages of prison and detainee population in pretrial detention and the average length of time held.

‘KRG officials noted prosecutors and defense attorneys frequently encountered obstacles in carrying out their work and trials were unnecessarily delayed for administrative reasons. COVID-19 preventive measures and closures presented additional obstacles to the resolution of judicial proceedings during 2020. According to the IHRCKR, some detainees remained in KRG internal security service facilities for extended periods even after court orders were issued for their release. The IHRCKR reported that other detainees remained in detention centers longer than required due to lack of implementation of parole and closure of courts due to COVID-19 restrictive measures. Lawyers provided by an international NGO continued to have access to and provide representation to any juvenile without a court-appointed attorney.’⁸⁸

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11.5 Enforcement of laws

11.5.1 In June 2020 Human Rights Watch (HRW) published a report entitled “We Might Call You in at Any Time” which stated:

‘Kurdistan regional authorities are...using laws in force in the Kurdistan Region of Iraq to curb free speech, including the Law to Prevent the Misuse of Telecommunications Equipment. Article 2 of this law authorizes imprisonment and fines for, among other things, misusing cell phones and email (or more broadly the internet) to: threaten someone, use profanities, spread misinformation, disclose private conversations or share images counter to the public’s values, or take any other action that might harm someone’s integrity or honor or motivate a crime or an immoral act, or share private information even if true. The law does not define any of the terms in the article, nor does it provide any details on licensing or permission processes.

“Ibrahim,” 40, live-streamed a demonstration on the morning of January 26, 2019 in the Kurdistan town of Shiladze, 100 kilometers northeast of Dohuk, where people were protesting against Turkish airstrikes that had reportedly killed at least six civilians in airstrikes the previous week. Authorities arrested and charged him for attending the demonstration under Penal Code article 156, which criminalizes violating “the independence of the state or its unity”

⁸⁷ USSD, [‘2020 Country Report on Human Rights Practices: Iraq’](#) (page 7-8) 30 March 2021

⁸⁸ USSD, [‘2020 Country Report on Human Rights Practices: Iraq’](#) (page 11-12) 30 March 2021

or national security, and article 229, for threatening an official. The judge dismissed the charges and authorities released him after 29 days in custody. The prosecution also charged him under article 2 of the Law to Prevent the Misuse of Telecommunications Equipment for filming the protest on his phone without “permission.” This charge was pending at the time of writing. The prosecution did not make clear from whom Ibrahim should have obtained permission.

‘Those interviewed for this report who had been criminally charged felt that the prosecutions were an effort by authorities to intimidate critics. Eleven individuals interviewed said they did not hear from the prosecution for extended periods, leaving them unsure of whether the cases against them were still active. Authorities bog people down with expensive and time-consuming legal suits, sometimes left pending for years, so as to intimidate them into silence, they said. One said, “When the Asayish [Kurdish security forces] released me after I paid a fee on March 10, 2019, they told me, ‘We might call you in at any time.’”⁸⁹

11.5.2 In January 2020 EASO stated:

‘Despite legal protections under the “press law” No 35. of 2007, which prohibits imprisonment, harassment, or physical abuse of reporters, journalists state that it is used arbitrarily by the “ruling elite to stifle dissent” and that security forces harassed news outlets critical of the KRG leadership.

‘Kurdish authorities have detained political opponents and have violently suppressed demonstrations, and political demonstrators and journalists have been beaten.

‘According to the UN, there is an “overall mistrust in the criminal justice system” in Kurdistan with respect to the lack of effective investigations and the atmosphere of impunity, particularly regarding attacks on media professionals. In 2016, UNHCR observed that “access to the rule of law [in KRI] is dependent on ethnic and religious affiliation, tribe, connections, family and relatives, and it is very difficult, if not impossible, for an individual to stand up for his rights by himself”.⁹⁰

11.5.3 The USSD report published in March 2021 stated:

‘Certain KRG courts applied the more stringent Iraqi criminal code in lawsuits involving journalists instead of the IKR’s own Press Law, which provides greater protection for freedom of expression and forbids the detention of journalists. KRG officials increased their use of lawsuits against journalists critical of the KRG, including applying laws such as the Law of Misuse of Electronic Devices instead of the IKR press law. In the first nine months of the year, KRG officials from various government offices filed eight independent lawsuits against freelance journalist Hemn Mamand after he posted content on Facebook critical of the KRG’s COVID-19 response. Mamand was arrested twice, in March and again in April, and spent 34 days

⁸⁹ HRW, [“We Might Call You in at Any Time”](#) 15 June 2020

⁹⁰ EASO, [‘Country Guidance: Iraq; Common analysis and guidance note’](#) (page 161) January 2021

in detention on charges levied under the Law of Misuse of Electronic Devices.⁹¹

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⁹¹ USSD, [‘2020 Country Report on Human Rights Practices: Iraq’](#) (page 23) 30 March 2021

Annex A: Law on Prevention of Misuse of Communications Devices in Kurdistan Region - Arabic Copy

قانون منع إساءة استعمال أجهزة الاتصالات في إقليم كردستان – العراق

بسم الله الرحمن الرحيم

باسم الشعب

المجلس الوطني لكوردستان / العراق

استناداً لحكم الفقرة (1) من المادة (56) من القانون رقم (1) لسنة 1992 المعدل وبناءً على ما عرضه مجلس وزراء إقليم كردستان - العراق، قرر المجلس الوطني لكوردستان - العراق بجلسته المرقمة (18) والمنعقدة بتاريخ 2008/5/19 تشريع القانون الآتي:

قانون رقم (6) لسنة 2008

قانون منع إساءة استعمال أجهزة الاتصالات في إقليم كردستان - العراق

المادة الأولى:

المكالمات الهاتفية والاتصالات البريدية والالكترونية من الأمور الخاصة لا يجوز انتهاك حرمتها.

المادة الثانية:

يعاقب بالحبس مدة لا تقل عن ستة اشهر ولا تزيد على خمس سنوات وبغرامة لا تقل عن مليون دينار ولا تزيد على خمسة ملايين دينار أو بإحدى هاتين العقوبتين كل من أساء استعمال الهاتف الخليوي أو أية أجهزة اتصال سلكية أو لاسلكية أو الانترنت أو البريد الالكتروني وذلك عن طريق التهديد أو القذف أو السب أو نشر أخبار مختلقة تثير الرعب وتسبب محادثات أو صور ثابتة أو متحركة أو الرسائل القصيرة (المسج) المنافية للأخلاق والآداب العامة أو النقاط صور بلا رخصة أو إذن أو إسناد أمور خادشة للشرف أو التحريض على ارتكاب الجرائم أو أفعال الفسوق والفجور أو نشر معلومات تتصل بأسرار الحياة الخاصة أو العائلية للأفراد والتي حصل عليها بأية طريقة كانت ولو كانت صحيحة إذا كان من شأن نشرها وتسريبها وتوزيعها الإساءة إليهم أو إلحاق الضرر بهم.

المادة الثالثة:

يعاقب بالحبس مدة لا تقل عن ثلاثة اشهر ولا تزيد على سنة و بغرامة لا تقل عن سبعمائة وخمسون ألف دينار ولا تزيد على ثلاثة ملايين دينار أو بإحدى هاتين العقوبتين كل من تسبب عمداً باستخدام واستغلال الهاتف الخليوي أو أية أجهزة اتصال سلكية أو لاسلكية أو الانترنت أو البريد الالكتروني في إزعاج غيره في غير الحالات الواردة في المادة الثانية من هذا القانون.

المادة الرابعة:

إذا نشأ عن الفعل المرتكب وفق المادتين (الثانية والثالثة) من هذا القانون ارتكاب جريمة يعد المتسبب شريكاً ويعاقب بالعقوبة المقررة للجريمة المرتكبة.

المادة الخامسة:

يعد ظرفاً مشدداً لإغراض تطبيق أحكام هذا القانون ارتكاب إحدى الجرائم الواردة في المادتين (الثانية والثالثة) إذا كان مرتكبها من أفراد القوات المسلحة أو قوى الأمن الداخلي أو ممن يستغل صفة رسمية أو من المطلعين على الأسرار الشخصية أو العائلية للأفراد بحكم وظيفته أو مهنته وكل من استعمل جهاز اتصال غيره لارتكاب احد الأفعال المذكورة.

المادة السادسة:

على شركات الاتصالات العاملة في الإقليم اتخاذ ما يلي:

أولاً: تسجيل بطاقة الموبايل الالكترونية وأجهزة الاتصالات الالكترونية والهواتف النقالة الأخرى الصادرة منها قبل نفاذ هذا القانون باسم الحائز غير المشترك وذلك خلال مدة ستة اشهر من تاريخ نفاذه وإلغاء بطاقة الحائز الذي يتخلف عن مراجعة الشركة خلال تلك المدة.

ثانياً: تقديم أية معلومات متعلقة ببطاقة الاشتراك والمشارك إلى المحكمة المختصة عند الاقتضاء.

ثالثاً: تعاقب الشركة المخالفة للفقرات (أولاً وثانياً) من هذه المادة بغرامة لا تقل عن خمسون مليون دينار ولا تزيد على مائة مليون دينار.

المادة السابعة:

على مجلس الوزراء والجهات ذات العلاقة تنفيذ أحكام هذا القانون.

المادة الثامنة:

ينفذ هذا القانون اعتباراً من تاريخ إصداره و ينشر في الجريدة الرسمية (وقائع كوردستان).

عدنان المفتي

رئيس المجلس الوطني لكوردستان / العراق

الأسباب الموجبة

بالنظر للتطورات الاجتماعية والاقتصادية والسياسية التي طرأت على حياة المواطنين في إقليم كوردستان وبالنظر لتطلع شبابه إلى التطورات التكنولوجية في العالم وما ترافق هذه التطورات من سهولة الاتصالات بين الشعوب وحيث ان الهواتف الخلوية والبريد الالكتروني ووسائل الاتصالات الحديثة هي ضرب من ضروب تلك التطورات وما تحمل تلك الوسائل من أمور قد تؤثر سلباً على سلوك الشباب والأفراد والأطفال وانطلاقاً من نهج حكومة إقليم كوردستان في إقامة مجتمع مدني متحضر على أسس سليمة وبغية معاقبة مسيئي استعمال تلك الأجهزة ومنعهم من التأثير على حريات الأفراد أو إفشاء أسرارهم الشخصية والإساءة إلى الأخلاق والنظام ولعام والآداب العامة لذا فقد شرع هذا القانون.

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Annex B: Law on Prevention of Misuse of Communications Devices in Kurdistan Region – English translation (unofficial)

Law on Prevention of Misuse of Communications Devices in Kurdistan Region - Iraq

In the name of God, the Most Gracious, the most

In the name of the people

Kurdistan National Council/Iraq

In accordance with article 56, paragraph 1, of the amended Act No. 1 of 1992, and on the basis of the provisions of the Council of Ministers of the Kurdistan-Iraq region, the National Council of Kurdistan-Iraq decided, at its 18 meeting held on the date of the 19/5/2008 of the following legislation:

Act No. 6 of 2008

Law on Prevention of Misuse of Communications Devices in Kurdistan Region - Iraq

Article 1:

Telephone calls, postal and electronic communications are private and inviolable.

Article II:

Any person who misuses a cell phone, any telecommunications device, the Internet or e-mail by threatening, slandering, insulting or spreading fabricated news that provokes terror and causes conversations, fixtures or motion pictures, or (Jury) Contrary to public morals and morals, taking photographs without a licence or permission, assigning honour or incitement to commit crimes or acts of immorality or publishing information relating to private or family life secrets of individuals obtained in any way, even if true, if their dissemination, diversion and distribution would offend or harm them

Article III:

Anyone who intentionally uses and exploits a cell phone, any telecommunications device, the Internet or electronic mail to disturb others in cases other than those mentioned in article 2 of this Law shall be liable to imprisonment for a term of not less than three months and not more than one year and a fine of not less than seven hundred and fifty thousand dinars and not more than three million dinars.

Article IV:

If the act committed in accordance with articles II and III of this Act results in the commission of an offence, the perpetrator shall be considered an accomplice and shall be punished with the penalty prescribed for the offence committed.

Article V:

An aggravating circumstance for the purposes of applying the provisions of this Act shall be the commission of one of the offences set forth in articles (II and III) if the perpetrator is a member of the armed forces or internal security forces or a person who exploits an official capacity or who is familiar with the personal or family secrets of the individual by virtue of his or her function or profession and any person who uses a communication device to commit.

Article VI:

Telecommunications companies operating in the Territory shall:

I. Registration of the electronic mobile card, electronic communications devices and other mobile phones issued by them prior to the entry into force of this Law on behalf of the non-subscribing holder within a period of six months from the effective date and cancellation of the card of the holder who fails to review the company during that period.

To submit any information relating to the subscription card and the participant to the competent court where necessary.

The company violating paragraphs 1 and 2 of this article shall be liable to a fine of not less than 50 million dinars and not more than 100 million dinars.

Article VII:

The Council of Ministers and the relevant authorities shall implement the provisions of this Law.

Article VIII:

This Act shall be implemented from the date of its promulgation and shall be published in the Official Gazette (Chronicle of Kurdistan).

Adnan Mufti

Chairman of the National Council of Kurdistan/Iraq

Positive reasons

In view of the social, economic and political developments in the lives of citizens in the Kurdistan region, the aspiration of its youth to technological developments in the world and the attendant ease of communication between peoples, and the fact that cellular phones, e-mail and modern means of communication are a form of such

developments and that such means may adversely affect the behaviour of young people, individuals and children, based on the approach of the Kurdistan Regional Government.

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Kurdish people
- Kurdish political system
 - Organisation
 - Parties
 - Relationship between parties
- Laws regarding the right to protest and the press
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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **9 June 2021**

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Changes from last version of this note

The first version of this CPIN was entitled 'Political opinion in the Kurdistan Region of Iraq (KRI)'. The title has been changed to reflect a slight change in focus resulting from consideration of updated COI.

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