



“Everyone Wants Me Dead”

Killings, Abductions, Torture, and Sexual Violence Against LGBT People
by Armed Groups in Iraq

HUMAN
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IRAQUEER
عراق کویر عیراق کویر



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**Killings, Abductions, Torture, and Sexual Violence
Against LGBT People by Armed Groups in Iraq**

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IraQueer is Iraq's first national LGBT+ organization, founded in March 2015. IraQueer is dedicated to advancing LGBT+ rights in Iraq through knowledge production, advocacy, and providing direct services. IraQueer's mission is to empower Iraqi LGBT+ individuals through raising the awareness among and about LGBT+ persons in the Iraqi society, and to advocate for LGBT+ rights in Iraq.

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Glossary

Biological Sex: Biological classification of bodies as female, male, or other, based on factors such as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.

Bisexual: Sexual orientation of a person who is sexually and romantically attracted to both men and women.

Cisgender: Denoting or relating to a person whose sense of personal identity and gender corresponds with their birth sex.

Gay: Synonym in many parts of the world for homosexual; used here to refer to the sexual orientation of a man whose primary sexual and romantic attraction is toward other men.

Gender: Social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers “masculine,” “feminine,” or “other” conduct.

Gender Affirming Surgery: Surgical procedures that change one’s body to conform to one’s gender identity. These procedures may include “top surgery” (breast augmentation or removal) and “bottom surgery” (altering genitals).

Gender-Based Violence: Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely taken to include violence targeting individuals, including women and men, depending on how they experience and express their genders and sexualities.

Gender Expression: External characteristics and behaviors that societies define as “masculine,” “feminine,” or “other,” including features such as dress, appearance, mannerisms, speech patterns, and social behavior and interactions.

Gender Identity: A person’s internal, deeply felt sense of being female or male, both, or something other than female or male. It does not necessarily correspond to the biological sex assigned at birth.

Gender Incongruence: Defined by the World Health Organization in its International Classification of Diseases (ICD) as a “marked and persistent incongruence between an individual’s experienced gender and assigned gender.” The latest revision of the International Classification of Diseases, ICD-11, removes “gender identity disorders” from the “mental disorders” section, and instead describes gender incongruence within a new chapter on conditions related to sexual health.

Gender Non-Conforming: Behaving or appearing in ways that do not fully conform to social expectations based on one’s assigned sex.

Heteronormativity: A system that works to normalize behaviors and societal expectations that are tied to the presumption of heterosexuality and an adherence to a strict gender binary.

Heterosexual: Sexual orientation of a person whose primary sexual and romantic attraction is toward people of another sex.

Homophobia: Fear of, contempt of, or discrimination against homosexuals or homosexuality.

Homosexual: Sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

LGBT: Acronym for lesbian, gay, bisexual, transgender; an inclusive term for groups and identities sometimes associated together as “sexual and gender minorities.”

Lesbian: Sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.

“Outing”: The act of disclosing a lesbian, gay, bisexual, or transgender person’s sexual orientation or gender identity without that person’s consent.

Queer: An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

Rape: Invading the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.

Sex Work: The commercial exchange of sexual services between consenting adults.

Sexual Orientation: A person’s sexual and emotional attraction to people of the same gender, a different gender, or any gender. In Iraq, both authorities and ordinary people often wrongly conflate sexual orientation with gender identity.

Sexual Violence: Any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

Transgender (also, “trans”): Denoting or relating to people whose assigned gender (which they were declared to have upon birth) does not match their gender identity (the gender that they are most comfortable with expressing or would express given a choice). A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity, but may or may not desire to permanently alter their bodily characteristics to conform to their preferred gender.

Transgender women: Persons designated male at birth but who identify and may present themselves as women. Transgender women usually prefer to be referred to with female pronouns.

Transgender men: Persons designated female at birth but who identify and may present themselves as men. Transgender men usually prefer to be referred to with male pronouns.

Transphobia: Fear of, contempt of, or discrimination against transgender people or transgenderism.

Summary

[In February 2021], I was on my way home [from work] when five or six men in a huge, tinted Hummer [truck] stopped me [next to a garbage dump in the area]. They kicked and punched and slapped me all over my head and body. They told me to get up and threw me in a garbage bin.... I lay down on the garbage and they pulled out a razor blade and a screwdriver and poked and cut me all over, especially my ass, crotch, and thighs. They sliced me up and poured around five liters of gasoline all over my body and face and set me alight.... The neighbors rescued me.

—Khadija, 31-year-old Iraqi transgender woman, August 5, 2021

In late May 2020, my boyfriend was killed in front of me. I had a date with him at night. I went to his house and saw a black Honda [car] parked under his house. Then four men got out of the car. I saw two of them had guns. They all had long beards. They beat him and forced him into the car and drove away. I followed them in my car.... They arrived at a big farm, took out my boyfriend and started beating him. I heard him scream and sob. I wanted to help but I was terrified.... They kept beating him for around 20 minutes. Then they shot him five times.

—Laith, 27-year-old Iraqi gay man, October 13, 2021

The Iraqi government has failed to hold accountable members of various armed groups who in recent years have continued to abduct, rape, torture, and kill lesbian, gay, bisexual, and transgender (LGBT) people, with impunity. The cyclical nature of abuses against LGBT people, emanating from the family and stretching into every aspect of their public life, renders any “suspicion” of homosexuality or gender variance a cause for potential violence, which not only results in the death of LGBT people but makes their lives unlivable.

This report is focused on killings, abductions, torture, and sexual violence against LGBT people by armed groups in Iraq. It is based on 54 interviews with LGBT Iraqis who have survived violence and discrimination by state and non-state actors, based primarily on their gender expression and presumed sexual orientation.



Mariam, a 21-year-old lesbian woman from Baghdad, is one of many LGBT Iraqis who said they were harassed at checkpoints by security forces due to their appearance. © 2022 John Holmes for Human Rights Watch

Human Rights Watch, supported by the Iraqi LGBT rights organization IraQueer, documented eight cases of abductions, eight cases of attempted murder, four extrajudicial killings, twenty-seven cases of sexual violence—including gang rape—forty-five cases of threats to rape and kill, and forty-two cases of online targeting by individuals who identified themselves as members of armed groups against LGBT people in Iraq. In eight cases, abuses by armed groups and state actors, including arbitrary arrest and sexual violence, were against children as young as 15. In thirty-nine cases, individuals were able to identify the armed group behind the attack against them.

The public nature of the abuses documented, mostly occurring in broad daylight in the streets, coupled with their chilling intentionality, signal the climate of impunity afforded to perpetrators. The arbitrary nature of the attacks demonstrates that individuals are targeted as part of a larger scheme to intimidate those who do not adhere to normativity and to punish aberration. The Iraqi state’s failure to tackle the discriminatory social norms that underpin violence against LGBT people, as well as its reinforcement of these standards by way of promoting an anti-LGBT discourse through ‘morality’-based policies, contribute to fueling violence against individuals perceived as non-normative.



Zoran, a 25-year-old gay man from Sulaymaniyah, said he was sexually assaulted by two members of the Asayish while he was on a date with a man who tricked him after they met on a same-sex dating application.

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The abuses documented in this report, including enforced disappearances, arbitrary detention, torture, and killings, are not unique to LGBT people. Other ordinary Iraqis also face these forms of violence. But in the case of LGBT people, the violence emanates from and is exacerbated by their gender expression or perceived sexual orientation.

LGBT people across Iraq face routine violence from security officials, who verbally abuse and sexually assault them, arbitrarily arrest them, and detain them. Security forces also physically, verbally, and sexually harass people at checkpoints whom they perceive to be LGBT.

LGBT people can be arrested under a range of vague provisions of the penal code aimed at policing morals and public indecency and limiting free expression. Human Rights Watch documented 15 cases of arrest by security forces of 13 LGBT people in Iraq. In June 2021, police in the Kurdistan Region of Iraq (KRI) issued arrest warrants based on article 401 of the penal code which criminalizes “public indecency” against 11 LGBT rights activists who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group. As of March 2022, the case remained open pending investigation, though authorities had not detained the activists.



Laith, a 27-year-old gay man from Baghdad, said he watched as armed group members abducted his boyfriend from his house, tortured and killed him. © 2022 John Holmes for Human Rights Watch

Most of the arrests of LGBT people documented in this report had no legal basis, even under Iraqi law. Individuals stopped at checkpoints and subsequently arrested were rarely charged or convicted in accordance with the law. LGBT people arrested reported being forced to sign pledges stating that they had not been subjected to abuse and being denied access to a lawyer. The conditions of their detention included being denied food and water, the right to access family and legal representation or obtain medical services, as well as being sexually assaulted and physically abused. One 18-year-old gay man said he was subjected to a forced anal exam when he was 17 years old. Another 18-year-old gay man said officers attempted the same when he was 17.

Twenty-seven of the fifty-four LGBT people Human Rights Watch and IraQueer interviewed said they had experienced sexual abuse and violence by armed groups, including unwanted touching, rape, gang rape, genital mutilation, and forced anal examinations.



Karim, an 18-year-old gay man from Najaf, said he was 17 when police in Baghdad arrested him, verbally and physically abused him, sexually harassed him, and subjected him to a forced anal exam. © 2022 John Holmes for Human Rights Watch

Human Rights Watch also documented cases of digital targeting and online harassment on social media and same-sex dating applications by armed groups against LGBT people. As evident from the accounts of those interviewed by Human Rights Watch and IraQueer, the offline consequences of digital targeting are long-lasting. Individuals targeted reported being forced to change their residence, delete all social media accounts, change their phone numbers, and in some cases flee the country for fear of being monitored, blackmailed, and entrapped by armed groups.

The accounts documented detail a cycle of abuse, including a pattern of attempting to hunt LGBT people down to perpetrate harm against them, amounting to structural violence against them. The combination of hypervulnerability, loosely defined “morality” clauses, and the absence of domestic violence and anti-discrimination legislation and reliable complaint systems, are formidable barriers that impede LGBT people’s ability and willingness to report abuses they suffer to the police, or file complaints against law enforcement agents, creating an environment in which police and armed groups can abuse them with impunity.

Forty out of the fifty-four LGBT people whom Human Rights Watch and IraQueer interviewed reported experiencing extreme violence at least once by family members, almost always by male relatives, for their sexual orientation or gender identity and expression. Such violence included being locked in a room for extended periods; being denied food and water; being burnt, beaten, raped, electrocuted, attacked at gunpoint, subjected to conversion practices, and forced hormone therapy; being subjected to forced marriages; and being forced to work for long hours without compensation. Unlike the KRI, Iraq has no domestic violence legislation, instead its penal code allows for violence against women and children.

Each of the LGBT people whom Human Rights Watch and IraQueer interviewed reported experiencing harassment in the streets, ranging from verbal abuse to being attacked at gun point. Lack of access to protective mechanisms limits LGBT people's mobility to a debilitating extent and deters them from seeking redress for abuses committed against them. Children facing violence from family members or others may be completely isolated, with nowhere to turn for safety.

As a result, many LGBT people said they felt they were forced to hide who they are to stay alive. Those who could not or did not wish to conceal their identities described a form of self-imposed house arrest, by which they refrained from leaving their homes at all, due to fear of harassment and the possibility of being stopped at checkpoints or targeted by armed groups. Sixteen LGBT people interviewed by Human Rights Watch and IraQueer said they attempted suicide at least once.

All 54 LGBT people interviewed for this report said that they would not report a crime committed against them to the authorities, either because of previous failed attempts where the complaint was dismissed or no action was taken, or because they felt that the blame will be redirected at them due to their non-conforming sexual orientations, gender identities, and expressions.

The Iraqi government is responsible for protecting Iraqis' right to life. Iraqi authorities should investigate all reports of armed group or other violence against people targeted due to their actual or perceived sexual orientation or gender identity and expression, prosecute, fairly try, and appropriately punish those found responsible, and publicly and

expressly condemn all such violence. The government should take all appropriate measures to end torture, disappearances, summary killings, and other abuses based on sexual orientation and gender expression and identity, and compensate the families of all victims of unlawful killings and survivors of serious abuse.

Iraqi security forces should stop harassing and arresting LGBT people on the basis of their sexual orientation or gender expression and instead ensure their protection from violence. Iraq should introduce and implement legislation protecting against discrimination on the grounds of sexual orientation and gender identity.

Human Rights Watch and IraQueer also call on states providing military, security, and intelligence assistance to Iraq, including the United States, the United Kingdom, Germany, and France, to urge Iraqi authorities to investigate allegations of abuses by armed groups and the role of their own assistance in these alleged violations. These states should suspend military, security, and intelligence assistance to units involved in these violations and explain any suspension or end to military assistance publicly. These states should continue to suspend assistance until the government adopts measures to end these serious human rights violations.

Methodology

Human Rights Watch conducted research for this report between June and November 2021. The research included 54 individual interviews with people who identify as LGBT. At the time of the research, 50 of those interviewed resided in various regions of Iraq, one lived in France, one in Canada, and two in Turkey. The research also involved two virtual focus group discussions with Iraqi LGBT people and activists working on issues of gender and sexuality in Iraq.

The interviewees comprised twenty-seven gay men, thirteen transgender women, eight lesbian women, three bisexual individuals, two transgender girls, and one transgender man.

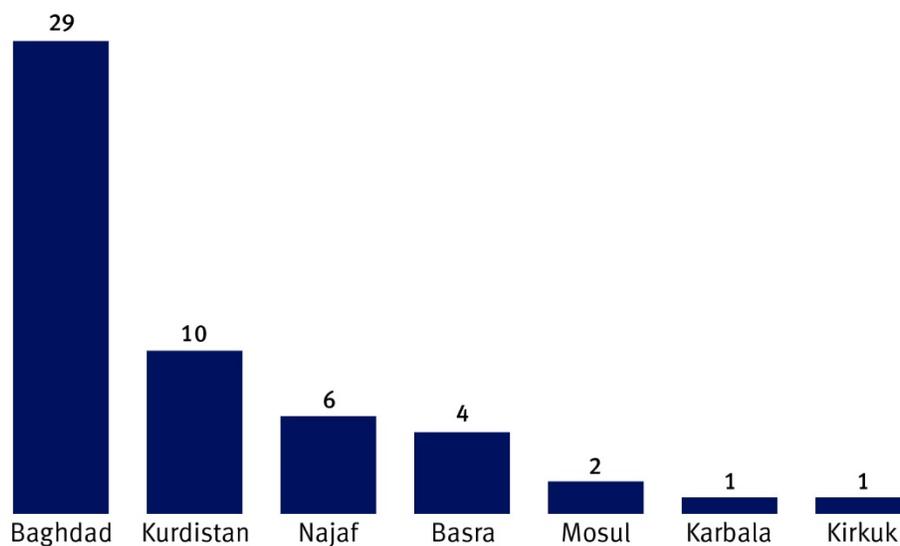
Human Rights Watch and IraQueer also interviewed six witnesses to killings and abductions by armed groups of LGBT people. Eleven of the fifty-four LGBT people interviewed had intimate, first-hand knowledge of killings by armed groups. Several individuals were interviewed twice for corroboration and accuracy purposes.

Of the fifty-four interviewees, twenty-nine reported abuses they faced in Baghdad, ten in the Kurdistan Region of Iraq, namely in Sulaymaniyah and Erbil, six in Najaf, five in Basra, two in Mosul, one in Karbala, and one in Kirkuk. The abuses documented occurred between 2018 and 2021.

Eight of the abuses documented, including arrests and sexual harassment, were against LGBT children as young as 15 at the time.

Human Rights Watch also reviewed online footage of attacks against LGBT people, including videos, images, and digital threats.

Cases of **Abuse** of **LGBT** People in **Iraq** By Location, Based on Interviews with 54 People



This report was researched in collaboration with the Iraqi LGBT rights organization IraQueer, based in Baghdad. IraQueer assisted Human Rights Watch by reaching out to seven of those interviewed. All interviews were conducted remotely, on digital platforms and over the phone. Four interviews were conducted in writing for the individuals' security. Human Rights Watch and IraQueer vetted all those interviewed for authenticity.

All interviewees gave their informed consent and were informed they could stop the interview at any time or decline to answer any questions they did not feel comfortable answering.

Interviewees did not receive any compensation for the interviews. Interviews were conducted in Arabic and translated into English. All interviews were conducted privately.

The names of all LGBT interviewees have been withheld to assure their anonymity. Each has been assigned a pseudonym in this report that bears no relation to their real name. In instances of publicized killings, the real names of the victims are included.

Human Rights Watch also interviewed representatives of nine local, regional, and international human rights organizations and international agencies, as well as seven representatives of foreign missions in Iraq, including embassies, and advocates in Iraq who work on LGBT issues.

I. Background

In Iraq, a hairstyle, fashion sense, or polished nails could be tantamount to a death sentence. Since 2005, Iraqi armed forces have launched attacks against individuals marked as LGBT based primarily on their appearance and “suspicion” of same-sex conduct. While kidnappings,¹ torture, and killings of LGBT people and those perceived as LGBT by Iraqi armed forces has been repeated,² government officials have absolved themselves of responsibility and instead have claimed that these abusive armed forces were attempting to stand as protectors for morals and religious traditions.³

Violence directed against LGBT people in Iraq can be understood in the context of patriarchal social norms, the low social status of women, and a culture of impunity.⁴ This coupled with the economic precarity of perpetrators creates a climate in which violence, sometimes fatal, occurs.⁵ When recruiting members, armed groups feed on poverty, offering unemployed men a job and the prospect of gaining power and influence through violence.⁶ These armed groups are not unitary entities, but are comprised of networks operating in disorganized patterns for an organized intent, maintaining the “social order” and policing notions of “morality.”⁷

The structural violence that LGBT people endure in Iraq is exacerbated by intersecting forms of precarity: class, sect, pressure to conform to social norms, and the lack of state

¹ “Iraq: Stop Killings for Homosexual Conduct,” Human Rights Watch news release, August 17, 2009, <https://www.hrw.org/news/2009/08/17/iraq-stop-killings-homosexual-conduct>.

² Human Rights Watch, *“They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq* (New York: Human Rights Watch, 2009) <https://www.hrw.org/report/2009/08/17/they-want-us-exterminated/murder-torture-sexual-orientation-and-gender-iraq>.

³ “Integrating Iraqi Fighting Forces Is Not Enough,” Human Rights Watch opinion, January 6, 2017, <https://www.hrw.org/news/2017/01/06/integrating-iraqi-fighting-forces-not-enough> (accessed May 24, 2021).

⁴ “Sexual and Gender Based Violence (SGBV) in Iraq,” Impunity Watch, 2018, <https://www.impunitywatch.org/sgbv-in-iraq> (accessed December 9, 2021).

⁵ “Alternative Governance – Non-State Armed Groups and The Iraqi Reconstruction Process,” Isadora Gotts, June 2018, https://www.kas.de/c/document_library/get_file?uuid=39111780-8b99-e192-662b-d1a23851c734&groupId=252038 (accessed December 9, 2021).

⁶ Ibid.

⁷ Fanar Hadded, “Iraq’s Popular Mobilization Units: A Hybrid Actor in a Hybrid State,” in *Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-Conflict Transitions*, ed. Adam Day (New York: United Nations University, 2020), <https://cupdf.com/document/hybrid-conflict-hybrid-peace-hybrid-conflict-hybrid-peace-how-militias-and.html> (accessed October 5, 2021).

protections.⁸ The targeting is often accompanied by egregious sexual violence, an attempt to discipline, “feminize,” and punish gender non-conforming bodies. The verbal abuse that accompanies this violence, such as calling gay men “farakh” [Arabic term for chick], expresses contempt for victims for offending masculinity, demoting them to the “feminine.” The institutionalization of some armed groups asserts their legitimacy as “protectors of the nation” and “enforcers of the status quo.”⁹

Not all Iraqi LGBT people face abuse, and not all those who face abuse due to perceived sexual orientation or gender identity are LGBT. People who are seen to transgress gender or sexual norms are at particular risk. In parts of Iraq this means that many people practice a form of self-censorship or go into self-imposed hiding.

All but one of the fifty-four LGBT people interviewed by Human Rights Watch said they practice extreme self-censorship to survive interactions with security forces and potential targeting by armed groups. This censorship extends to every sphere of their lives, including how they dress, talk, walk, and use digital platforms and social media. Those who cannot hide their identities rarely leave their homes, as stated by 44 of those interviewed by Human Rights Watch.

Many of the LGBT people who faced abuses documented in this report are from lower socioeconomic backgrounds.¹⁰ In some instances, lack of socioeconomic power dictates individuals’ mobility, sphere of influence, and degree of social visibility.¹¹ Political affiliation for poor families, including with armed groups, is often a means of survival because it can mean access to basic services.¹² Sectarian incentives, motivated largely by demographic and economic necessity, contribute to policing non-normativity for LGBT people to preserve the status quo and repress any disruptions.¹³ LGBT people, lacking

⁸ Structural violence refers to the systematic ways by which the combination of the legal, economic, and political institutions harm individuals by preventing them from meeting their basic needs and achieving their full potential. Coined by the Norwegian sociologist Johan Galtung, in his article “Violence, Peace, and Peace Research” (1969).

⁹ Hadded, “Iraq’s Popular Mobilization Units: A Hybrid Actor in a Hybrid State.”

¹⁰ At least 17 LGBT people interviewed for this report told Human Rights Watch that they live in one-bedroom households and lack economic access, including to basic services.

¹¹ Human Rights Watch phone interview with Ali, July 5, 2021.

¹² Human Rights Watch phone interview with Mariam, July 23, 2021.

¹³ For example, Rania, a 21-year-old transgender woman from Baghdad, was kidnapped in June 2020 by members of a suspected armed group, who she said used religious slogans as they tortured her. Human Rights Watch and IraQueer

political backing in government or public discourse, are left to navigate these systems with relentless vulnerability.¹⁴

As demonstrated in many cases documented in this report, Iraqi police and security forces are often complicit in compounding anti-LGBT violence by targeting LGBT people at Iraq's ubiquitous checkpoints, arbitrarily arresting individuals due to non-conforming appearance, and using their sociopolitical vulnerability to perpetrate sexual violence against them.

Iraqi authorities have done little to investigate or halt violence against LGBT people, despite being clearly aware of the crimes. Over the years, authorities have not held perpetrators accountable, including security forces, for kidnappings, torture, and killings of people perceived as gay and transgender. A 2012 government committee established to address abuses against LGBT people took few tangible steps to protect them before disbanding.¹⁵

As evident in the accounts documented in this report, a significant development in recent years is that families have become aware of the state-sponsored anti-LGBT discourse and are perpetuating violence against their children based on their gender expression. Most of the attacks start at home, with the intention, sanctioned by law, of punishing children suspected of being gay or gender non-conforming. In 21 cases documented in this report, individuals were strictly prohibited from leaving their homes by their parents.

Social Context

The Politics of Hair

I often hide the way I look and tie my hair not to face any problems. In June 2021, I was stopped at a checkpoint by Hashd al-Atabat, an armed group in Karbala Governorate [central Iraq]. They said they did not like the way I

interview via text messages with Rania, October 25, 2021. For example, Ali, an 18-year-old gay man from Karbala, was detained when he was visiting Baghdad and officers used sectarian motives to justify abuses against him. Human Rights Watch phone interview with Ali, July 5, 2021.

¹⁴ LGBT people interviewed reported being stuck between political systems of power, including demographic divisions and sectarian incentives, to which they bear no connection, due to their sexual orientation and gender identity.

¹⁵ "Iraq: Cleric's Call Against Anti-LGBT Violence," Human Rights Watch news release, August 18, 2016, <https://www.hrw.org/news/2016/08/18/iraq-clerics-call-against-anti-lgbt-violence>.

looked.... After the armed group’s leader came, he told his men to cut my hair and let me go.

—Ali, 18-year-old gay man from Karbala, July 5, 2021

Preserving a clearly defined gender binary, in its normative ideals of femininity and masculinity, is a distinct preoccupation for the authorities in Iraq, enacted and represented by people policing hairstyles. Hairstyle is a medium for communication, but also can become a target of profiling and a justification for brutality.

According to 48 LGBT people interviewed by Human Rights Watch, having long hair for men, and alternatively short hair for women, constitutes a punishable offense. The consequences of having non-normative hairstyles can range from arrest to torture, and even death.

Karar Nushi, an Iraqi model who was known for his long blond hair and flamboyant clothing, was found dead in Baghdad on July 2, 2017. Nushi was reportedly tortured and stabbed, his body mutilated, and his hair cut. Friends of Nushi believe he was murdered by an armed group because of his long hair.¹⁶

Sami, a 23-year-old gay man from Najaf (a city south of Baghdad), said he is prevented from entering some cafés there, due to the way his hair is styled, which does not conform to the “politics of the city in which he lives.” He said:

I have long hair, but I tie it when I go out, so I don’t look queer. I get bullied a lot for my hair, and I used to receive a lot of backlash. They would call me ‘Sousou’ [a derogatory feminized name modification] and ‘faggot.’¹⁷ Even my parents use such language to describe LGBT people.¹⁸

Majd, a 22-year-old gay man from Baghdad, said:

¹⁶ Lucy Pasha-Robinson, “Iraqi male model brutally killed in Baghdad ‘because of his good looks,’” *The Independent*, July 5, 2017, <https://www.independent.co.uk/news/world/middle-east/iraq-male-model-karar-nushi-killed-murder-torture-baghdad-good-looks-gay-palestine-street-a7824586.html> (accessed August 18, 2021).

¹⁷ The term “Sousou” is used derogatorily against men perceived as gay but can be a nickname when directed at women and children.

¹⁸ Human Rights Watch phone interview with Sami, July 5, 2021.

My father overheard me talking on the phone with another man. I had long hair and my father cut it out of rage. He also threatened to kill me at gunpoint.¹⁹

When asked if he gets stopped at checkpoints, Montaser, a 26-year-old bisexual man from Kirkuk [city north of Baghdad], said:

This happens almost daily; I've been stopped [at checkpoints] countless times. It is mostly because of my long hair and the fact that I wear an earring. I was stopped while driving with a friend in Kirkuk for my long hair and they [police officers] wanted to cut it. They asked me questions about my hair and insulted me, calling me a she-male. 'Aren't you ashamed?,' they asked. They pulled me out of the car and took me to the Arafa police station next to the checkpoint, and I stayed there for an hour. They wanted me to sign a paper and promise that I will cut my hair. I told them they had no business cutting my hair. I have also been told by the principal of my university that my long hair is a bad reputation for the institution.²⁰

Queer Strategies as Resistance

When they [police officers] ask me why my hair is so short, I tell them I have cancer, and they leave me alone.

—Mariam, 21-year-old Iraqi lesbian, July 23, 2021

In confronting the structural violence LGBT people in Iraq face daily, they employ queer strategies as articulations of agency. They do this with humor, an intimate understanding of their realities, and by tactically navigating public spaces. The stories they told Human Rights Watch are horrific, but within them are instances of triumph against oppressive structures.

¹⁹ Human Rights Watch phone interview with Majd, July 5, 2021.

²⁰ Human Rights Watch phone interview with Montaser, July 5, 2021.

Khadija, a 31-year-old transgender woman who survived a killing attempt, said, “Police officers constantly try to coerce me into giving them my phone number. I give them a fake one. They always try calling it in front of me, and I smile and say, ‘Yes, I have it.’”²¹

Sami, a 23-year-old gay man from Najaf, said he does not use a sim card on his phone, only wireless internet connection, to avoid being targeted by armed groups. Sami spoke about the strategies he employs to bypass digital surveillance. He said:

I don’t comment on any posts. Because if I do, they [armed groups] will access my profile and campaign against me. Some people would even access my profile and take stills from my posts and post them on different groups to say, ‘Look at this queer from Najaf,’ to expose my sexuality without my consent. I had to remove all photos that showed my face.²²

Abbad, a 26-year-old gay man from Baghdad, said:

I realized I had two choices—either act straight or get killed. It took years for me to learn how to protect myself, including online. I use dating applications, but only premium accounts, so I can control how my account looks. I never allow screenshots or enable location. I never send pictures or videos.²³

Masa, a 19-year-old transgender woman from Najaf, explained how she navigates potential violence in public. She said:

I start shouting when men approach me. It is a tactic; I keep stalling until I get them to an area filled with people then I let out a few loud cries so they would be embarrassed and leave. They want to shame me, so I shame them instead, under the same logic.²⁴

²¹ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

²² Human Rights Watch phone interview with Sami, July 5, 2021.

²³ Human Rights Watch and IraQueer phone interview with Abbad, July 20, 2021.

²⁴ Human Rights Watch phone interview with Masa, September 17, 2021.

Salim, a 20-year-old gay man from Baghdad, described an arrangement he made with his fiancée to escape forced marriage. He said:

I got engaged to a girl because I am forced to, because our society does not accept same-sex marriage. My fiancée is a lesbian, and she has a girlfriend. We have a great arrangement, and our parents have no idea. It is the only way to survive.²⁵

Legal Context

LGBT people can be and are arrested under a range of vague provisions of the penal code aimed at policing morals and public indecency and limiting free expression. In researching this report, Human Rights Watch documented 15 cases in which 13 of the LGBT interviewees had been arrested. Most of the abuses against LGBT people documented in this report have no legal basis in domestic law.²⁶ Individuals stopped at checkpoints and subsequently arrested are rarely, if ever, charged or convicted in accordance with the law.

Domestic violence continues to remain endemic in Iraq,²⁷ including the serious abuse of LGBT people by their parents and relatives, as documented in 40 cases in this report. While Iraq's Penal Code (Law no. 111/1969) criminalizes physical assault, article 41(1) gives a husband a legal right to "punish" his wife and parents to discipline their children "within limits prescribed by law or custom."²⁸ The penal code also provides for mitigated sentences for violent acts, including murder, for "honorable motives" and catching one's wife or female relative in the act of adultery or sex outside of marriage.²⁹

²⁵ Human Rights Watch phone interview with Salim, June 18, 2021.

²⁶ Belkis Wille (Human Rights Watch), "Is There Rule of Law in Iraq?", commentary, *Foreign Policy in Focus*, December 2, 2021, <https://www.hrw.org/news/2021/12/02/there-rule-law-iraq>.

²⁷ "Iraq: Urgent Need for Domestic Violence Law," Human Rights Watch news release, April 22, 2020, <https://www.hrw.org/news/2020/04/22/iraq-urgent-need-domestic-violence-law>.

²⁸ See Iraq Penal Code, No. 111 of 1969, July 1969, art. 41(1), <https://www.refworld.org/docid/452524304.html> (accessed June 5, 2021).

²⁹ Iraq Penal Code, No. 111 of 1969, arts. 128(1) and 409.

While the Iraqi constitution expressly prohibits “all forms of violence and abuse in the family,” only the Kurdistan Region of Iraq (KRI) has a law on domestic violence.³⁰ Iraqi parliamentary efforts to pass a draft law against domestic violence stalled throughout 2017-2021.³¹ The 2019 version of the draft anti-domestic violence law seen by Human Rights Watch includes provisions for services for domestic violence survivors, protection (restraining) orders, penalties for their breach, and the establishment of a cross-ministerial committee to combat domestic violence. However, the bill has several gaps and provisions that would undermine its effectiveness, including that it prioritizes reconciliation over protection and justice for victims.³²

The following table sets out provisions in the 1969 Iraqi Penal Code that are used or could be used to target LGBT people, and their application. Many of these provisions are colonial-era relics that were kept following British rule, as well as Ottoman laws inspired by the French.³³

Article 41(1) of the penal code provides that a husband to “punish” his wife and parents can discipline their children within limits prescribed by law or custom.³⁴

This law empowers parents to perpetrate violence against their LGBT children under the guise of “disciplining them,” with impunity, even where they are adult children. For women who are married, who may identify as LBT, they can still face punishment by their husbands for straying gender roles and norms.

³⁰ Iraq’s 2005 Constitution, art. 29; Kurdistan Region of Iraq, Domestic Law no. 8 http://www.ekrg.org/files/pdf/combat_domestic_violence_english.pdf (accessed February 1, 2022).

³¹ Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Iraq Chapter, <https://www.hrw.org/world-report/2021/country-chapters/iraq>; Human Rights Watch Submission to the UN Human Rights Committee in Advance of its Review of Iraq, January 2022, <https://www.hrw.org/news/2022/01/25/human-rights-watch-submission-un-human-rights-committee-advance-its-review-iraq>.

³² “Iraq: Strengthen Domestic Violence Bill,” Human Rights Watch news release including letter and memorandum to Iraqi authorities, March 19, 2017, <https://www.hrw.org/news/2017/03/19/iraq-strengthen-domestic-violence-bill> and “Iraq: Urgent Need for Domestic Violence Law,” Human Rights Watch news release.

³³ Human Rights Watch, *This Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism*, (New York: Human Rights Watch, 2008), <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism> and Fedwa Malti-Douglas, “Honor Crimes by Sex and Gender,” in *Encyclopedia of Sex and Gender*, vol. 2, d-i, (Detroit: Macmillan Reference, 2007), p. 739, <https://tdissmeyer.com/09%20-%20Islam/9.08%20Honor%20Crimes%20by%20Ency%20Sex%20and%20Gender.pdf> (accessed February 1, 2022).

³⁴ Iraq Penal Code, No. 111 of 1969.

Article 128 of the penal code identifies “The commission of an offence with honorable motives” as a “mitigating excuse.” The article reads as follows:

(1) Legal excuse either discharges a person from a penalty or reduces that penalty. Excuse only exists under conditions that are specified by law. Notwithstanding these conditions, the commission of an offence with honorable motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse.³⁵

This law allows perpetrators to largely or entirely escape punishment for abuses, even murder, committed against LGBT people, in the name of “protecting honor.”

Article 200 (2) of the penal code punishes with up to seven years’ imprisonment anyone who promotes any “movement” that seeks to “change the fundamental principles of the constitution or the basic laws of society.”³⁶

This provision could be used to restrict freedoms of expression, association, and assembly, or to penalize activists who work on “taboo” issues.

Article 210 of the penal code prohibits disseminating any information or idea that, among other things, “disturbs the public peace.”³⁷

This provision could be used to target LGBT activists who demonstrate support for LGBT rights or use pro-LGBT slogans.

Article 394 (1) of the penal code punishes any person who, outside of marriage, has sexual intercourse with a woman with her consent, or commits buggery with a person

This provision on sexual relations with a child could be used to prosecute LGBT people, especially when both consenting partners are under 18 and of similar ages.³⁹

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁹ Refugee Legal Aid Information, Iraq LGBTI Resources, 2012, <http://www.refugeelegalaidinformation.org/iraq-lgbti-resources> (accessed May 4, 2021).

with their consent, is punishable by a period of imprisonment not exceeding 7 years if the victim is between the ages of 15 and 18. If the victim was under the age of 15, the offender is punishable by a period of imprisonment not exceeding 10 years.”³⁸

Article 398 of the penal code allows perpetrators of rape or sexual assault to escape prosecution or have their sentences quashed if they marry their victim.

This article allows men to punish women who identify as LBT with rape or sexual assault and then escape punishment for the crime by marrying them. Families often consider women and girls subject to sexual assault as shameful and ‘unmarriageable’ and may force women to marry their rapists.

Article 401 of the penal code states, “Any person who commits an immodest act in public is punishable by a period of detention not exceeding 6 months plus a fine not exceeding 50 dinars or by one of those penalties.”⁴⁰

The article is used against same-sex couples meeting in public places and against LGBT rights activists.⁴¹

Although official statistics are unavailable, all victims, witnesses, and survivors were aware that expressing their sexual orientation or gender identity in public would result in a possible arrest or a fine and said they avoided such instances.

Article 402 (1) of the penal code punishes by a period of detention not exceeding 3 months and/or a fine not exceeding 30 dinars “any person who makes indecent advances to another man or woman.”⁴²

This law is used against same-sex couples meeting in public.⁴³ Interviewees said they would not report attacks against them because they feared they may be charged under articles 401 or 402.

³⁸ Iraq Penal Code, No. 111 of 1969.

⁴⁰ Ibid.

⁴¹ For example, in June 2021, police in the Kurdistan Region of Iraq (KRI) issued arrest warrants based on art. 401 against 11 LGBT rights activists who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group.

⁴² Iraq Penal Code, No. 111 of 1969.

⁴³ For example, a gay man interviewed for this report said police officers threatened him and his boyfriend with arrest under art. 402 when they saw them kissing in a car.

Articles 403 and 404 of the penal code permit prison terms (up to two years under the first paragraph, up to one year under the second) for “obscene or indecent” publication or speech.⁴⁴

These laws could be used to restrict free speech that promotes LGBT rights publicly.

Article 409 of the penal code provides a reduced sentence of a maximum of three years imprisonment if the person catches one’s wife or female relative in the act of adultery or sex outside of marriage and assaults them leading to their death or permanent disability.⁴⁵

This provision provides that men can escape punishment entirely when killing or maiming women and girls by claiming that they found them in extramarital acts of sex. It sends a message that men can kill or injure women for their sexual acts.

Article 502 of the penal code punishes “any person who loiters in a public place or observes such a place with indecent intent or for an indecent purpose” with up to 10 days’ detention or a fine.⁴⁶

This provision could be used to target LGBT people based on their gender expression, appearance, or actions in public.

Political Context

Government-Sponsored Anti-LGBT Campaign

Attacks against LGBT people in Iraq have long been a political tactic.⁴⁷ While affirmative LGBT rights are mostly absent from formal political discourse, government officials and religious figures have made numerous anti-LGBT statements,⁴⁸ which have served to undermine LGBT rights and fuel violence against LGBT Iraqis.⁴⁹

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Alex MacDonald, “Iraqi news media ‘promoting hate speech’ against LGBT people,” *Middle East Eye*, July 1, 2020, <https://www.middleeasteye.net/news/iraq-media-lgbt-coverage-hate-speech> (accessed October 23, 2021).

⁴⁸ “Iraqi TV Report: Jews Behind Iraqi NGOs; They Promote Homosexuality And Encourage Men To Style Their Beards Like Herzl,” Memri dispatch, April 19, 2019, <https://www.memri.org/reports/iraqi-tv-report-jews-behind-iraqi-ngos-they-promote-homosexuality-and-encourage-men-style> (accessed June 2, 2021).

⁴⁹ Yaghoub Fazeli, “Iraqi Shia cleric Muqtada al-Sadr says gay marriage caused coronavirus,” *Al Arabiya English*, March 28, 2020, <https://english.alarabiya.net/News/middle-east/2020/03/28/Coronavirus-Iraqi-Shia-cleric-blames-gay-marriage-for-coronavirus> (accessed November 17, 2020).

In 2009, Iraqi armed group members began a far-reaching campaign of extrajudicial executions, kidnappings, and torture of men suspected of same-sex conduct or not conforming to masculine gender norms.⁵⁰ Iraqi authorities did nothing to stop those killings. Although many armed groups in Iraq have claimed to be enforcers of their interpretation of Sharia (Islamic law), a 2009 Human Rights Watch report demonstrated how the killings—committed without evidence or trial, based on prejudice and whim—violated standards in Sharia law for legality, proof, and privacy.⁵¹

In 2012, several groups now within the Popular Mobilization Forces (PMF), armed groups nominally under the prime minister’s control since 2016, including Asa’ib Ahl al-Haqq, the Mahdi Army (now known as Saraya al-Salam), and Kata’ib al-Ghadhab, backed in some cases by government armed forces, launched a wave of attacks on people categorized as part of the “emo” subculture, some of whom were perceived as LGBT.⁵²

Signs and fliers appeared in the Baghdad neighborhood of Sadr City that threatened people by name with “the wrath of God” unless they cut their hair short, concealed their tattoos, maintained “complete manhood,” and stopped wearing so-called “satanic clothing.”⁵³ While it was unclear who was behind the campaign, at the time influential Shia cleric Moqtada al-Sadr called the targets of the campaign “crazy fools” and a “lesion on the Muslim community” in an online statement, but also maintained that they should be dealt “within the law.”⁵⁴

In late 2012, following international pressure, the government responded by establishing an LGBT committee to address abuses against LGBT people. However, the committee took few tangible steps before disbanding.⁵⁵

In 2014, with the rise of the extremist group Islamic State (also known as ISIS), gay men, transgender women, and gender non-conforming people were at even greater risk. According to the International Gay and Lesbian Human Rights Commission, the group

⁵⁰ Human Rights Watch, *“They Want Us Exterminated”: Murder, Torture, Sexual Orientation and Gender in Iraq.*

⁵¹ Ibid.

⁵² “Iraq: Investigate ‘Emo’ Attacks,” Human Rights Watch news release, March 16, 2012, <https://www.hrw.org/news/2012/03/16/iraq-investigate-emo-attacks>.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

executed at least 17 people in Syria and Iraq accused of sodomy or perceived to be gay between June 2014 and March 2015.⁵⁶

In July 2016, Moqtada al-Sadr called for a ban on violence against those who do not conform to prevailing gender norms.⁵⁷ Al-Sadr's statement expressed his view that same-sex relationships and cross-dressing are not acceptable, but that gender non-conforming people—who al-Sadr claims are suffering from “psychological problems”—nevertheless deserved the right to live. “[You] must disassociate from them [but] not attack them, as it increases their aversion and you must guide them using acceptable and rational means,” the statement read.⁵⁸

Despite these calls, the killings of LGBT people reportedly continued in Baghdad from 2017⁵⁹ to 2019⁶⁰ with Iraqi authorities seemingly doing nothing to stop them or punish those involved.

In a wave of protests that began in October 2019 and continued into late 2020, with protesters demanding improved services and more action to curb corruption, clashes with security forces, including the PMF, left at least 487 protesters dead in Baghdad and Iraq's southern cities.⁶¹ LGBT people prominently participated in the protests, aligning their demands for protection and equal rights with the larger protest movement.⁶²

On May 17, 2020, the International Day Against Homophobia, Transphobia, and Biphobia (IDAHOBIT), a foreign embassy compound, including the European Union, the Canadian

⁵⁶ Graeme Reid (Human Rights Watch), “Islamic State's War on Gays,” commentary, *Los Angeles Times*, June 8, 2015, <https://www.hrw.org/news/2015/06/08/islamic-states-war-gays>.

⁵⁷ سماحة السيد القائد مقتدى الصدر (أعزه الله) يجيب على سؤال حول تزايد ظاهرة التجميل الزائد بالنسبة للشباب والتشبه بالنساء والعلاقات المشبوهة بينهم, *Jawabna*, 2016, <http://jawabna.com/index.php/permalink/9343.html> (accessed May 20, 2021).

⁵⁸ “Iraq: Cleric's Call Against Anti-LGBT Violence,” Human Rights Watch news release.

⁵⁹ “Male style icon's body found mutilated in Baghdad,” *Euronews*, July 3, 2017 <https://www.euronews.com/2017/07/03/male-model-mutilated-and-killed-in-baghdad><https://www.euronews.com/2017/07/03/male-model-mutilated-and-killed-in-baghdad> (accessed May 20, 2021).

⁶⁰ “Iraqi teenager brutally killed because of his looks,” *Gulf News*, October 11, 2018, <https://gulfnews.com/world/mena/iraqi-teenager-brutally-killed-because-of-his-looks-1.2288828> (accessed July 1, 2021).

⁶¹ United Nations Assistance Mission for Iraq Office of the United Nations High Commissioner for Human Rights, “Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020,” August 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/Demonstrations%20in%20Iraq_UNAMI%20OHCHR%20report_08%2027%202020.pdf (accessed February 28, 2022).

⁶² Sanar Hasan, “LGBTQ activists in Iraq will 'not hesitate' to keep on protesting despite threats,” *Middle East Eye*, October 1, 2020, <https://www.middleeasteye.net/news/iraq-protests-lgbt-threats> (accessed October 23, 2021).

and British embassies in Baghdad, all raised a rainbow flag, a symbol of solidarity with LGBT people.⁶³ This triggered condemnation in Iraq including from Moqtada al-Sadr on Twitter,⁶⁴ parliamentarians,⁶⁵ and the Foreign Ministry,⁶⁶ who all claimed that the embassies were disrespecting Iraqi values and imposing a Western agenda.⁶⁷

Since then, as this report documents, several gay men and transgender women have been murdered and dozens of LGBT people threatened.⁶⁸ Members of armed groups began targeting people perceived as LGBT online, entrapping them on same-sex dating applications, and publicly calling for violence against them.⁶⁹ Those linked to the attacks have not been prosecuted or held accountable in any other form, and prominent Iraqi figures have also condoned and incited the anti-LGBT discourse.⁷⁰

Eight LGBT people interviewed said that after Moqtada al-Sadr's anti-LGBT tweet, it seemed to become more dangerous to be LGBT in Iraq.⁷¹

⁶³ "Baghdad demands apology after EU embassies raise 'LGBTQ rainbow flag' in Iraqi capital," *The New Arab*, May 18, 2020, <https://english.alaraby.co.uk/english/news/2020/5/18/eu-embassies-face-iraqi-backlash-after-raising-lgbtq-flag> (accessed May 18, 2020).

⁶⁴ "Iraqi leaders condemn western diplomats for hoisting LGBTQ+ pride flags," *Rudaw*, May 17, 2020, <https://www.rudaw.net/english/middleeast/iraq/170520202> (accessed May 17, 2021).

⁶⁵ Iraqi Parliament, news release, May 17, 2020, <https://iq.parliament.iq/> (accessed May 17, 2021).

⁶⁶ Ministry of Foreign Affairs in Iraq, MoFA news release, May 17, 2020, <https://www.mofa.gov.iq/2020/05/?p=14175> (accessed May 17, 2021).

⁶⁷ "العراق يغرق في وحل" الشذوذ "وصحيفة أمريكية تعترف بوقوف الجيش الأمريكي وراء انتشار الظاهرة بالبلاد" *Noon Presse*, May 18, 2020, <https://bit.ly/3gEqruc> (accessed June 1, 2021).

⁶⁸ "Gunmen assassinate 'Gay' person in Baghdad," *Shafaq News*, May 20, 2020, <https://shafaq.com/en/iraq-news/gunmen-assassinate-gay-person-in-baghdad/> (accessed May 17, 2021).

⁶⁹ Tweet, Safaa Subhi, sMay 18, 2020, <https://twitter.com/SafaaAlNuaimi/status/1262304534862405633?s=20https://twitter.com/SafaaAlNuaimi/status/1262304534862405633?s=20> (accessed May 17, 2021).

⁷⁰ Tweet, SAMRI Reports, June 8, 2020, <https://twitter.com/samrireports/status/1270147217773510656?lang=ca> (accessed May 17, 2021).

⁷¹ Human Rights Watch interview with Mariam, July 23, 2021.

Human Rights Watch interview with Yasser, October 5, 2021.

Human Rights Watch interview with Sami, July 5, 2021.

Human Rights Watch interview with Ali, July 5, 2021.

Human Rights Watch interview with Karim, July 2, 2021.

Human Rights Watch and IraQueer interview with Rania, October 25, 2021.

Human Rights Watch interview with Salim, June 18, 2021.

Human Rights Watch interview with Ammar, September 17, 2021.

Also in May 2020, Prime Minister Mustafa al-Kadhimi indicated a readiness to address ongoing human rights violations more generally but had not explicitly addressed the alarming spate of killings and threats against LGBT Iraqis.⁷²

On November 7, 2021, al-Kadhimi survived an assassination attempt after drones loaded with explosives targeted his residence in Baghdad. The attack came two days after deadly protests led by the PMF in Baghdad, resulting in the death of a protester, over the disputed result of a general election on October 10, 2021, after which the PMF alleged vote-counting errors.⁷³

Election results showed that a bloc led by Moqtada al-Sadr won 73 seats, maintaining its position as the largest group in Iraq's 329-member parliament. Meanwhile, the political arm of the PMF won 17 seats, down from 48 in the last parliament.⁷⁴

The following table sets out the different armed groups suspected to have been implicated in abuses against LGBT people documented in this report, based on individual and witness accounts.

⁷² Belkis Wille, "Despite Prime Minister's Promises, Disappearances Continue in Iraq," commentary, Human Rights Watch dispatch, December 15, 2020, <https://www.hrw.org/news/2020/12/15/despite-prime-ministers-promises-disappearances-continue-iraq>.

⁷³ "Iraq PM Mustafa al-Kadhimi decries 'cowardly' attack on his home," *Al Jazeera*, November 7, 2021, <https://www.aljazeera.com/news/2021/11/7/mustafa-al-kadhimi-iraqs-pm-survives-assassination-bid> (accessed November 7, 2021).

⁷⁴ Renad Mansour and Victoria Stewart-Jolley, "Explaining Iraq's election results," *Chatham House*, October 22, 2021, <https://www.chathamhouse.org/2021/10/explaining-iraqs-election-results> (accessed October 22, 2021).

Armed Groups	Under the Command of	Logo
Asa'ib Ahl al-Haqq (AAH)	Popular Mobilization Forces (PMF or Al-Hashad al-Sha'abi)	
Atabat Mobilization	Ministry of Defense	
Badr Organization	Popular Mobilization Forces	
Kata'ib Hezbollah	Popular Mobilization Forces	
Raba Allah Group	Asa'ib Ahl al-Haqq (AAH)	
Saraya al-Salam (previously The Mahdi Army)	Popular Mobilization Forces	

II. Attempted Murder, Abductions, Torture, and Threats by Iraqi Armed Groups

Human Rights Watch documented eight cases of abductions, eight cases of attempted murder, four extrajudicial killings, and forty-five cases of threats to rape and kill by Iraqi armed groups against LGBT people.

The public nature of the abuses documented, mostly occurring in broad daylight in the streets, coupled with their chilling intentionality, signal the climate of impunity afforded to the perpetrators. The assailants aimed to send a message through the bodies of LGBT people they attacked, to the victims, other LGBT people, and society writ large. The arbitrary nature of the attacks demonstrates that individuals are targeted as part of a larger scheme to intimidate those who do not adhere to normativity and to punish aberration.

“They Wanted Me Dead”: Accounts of Survivors

Khadija’s Story

Khadija, a 31-year-old transgender woman, has been subjected to egregious abuses by armed groups for over a decade. She said: “I experienced horrendous forms of extreme torture by armed groups. I was beaten, raped, and burned. My friends were murdered. We witnessed the horrors of the Mahdi Army, Asa’ib Ahl al-haqq, and Raba Allah. In 2012, two of my friends, Karrar and Anmar, had holes drilled into their heads with a drill and were injected with glue up their anuses.”⁷⁵

In February 2021, Khadija was attacked by a group of men with razor blades and screwdrivers near her aunt’s house in Palestine Flats, Baghdad, where she was residing. The men, who Khadija said identified themselves as belonging to Asa’ib Ahl al-haqq, a PMF group that had previously threatened her, poured gasoline on her body and set it on fire, burning her body parts from the chest down. She told Human Rights Watch and IraQueer:

⁷⁵ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

I was working at a hair salon. On my way back home, five or six men in a huge, tinted Hummer [truck] stopped next to me. They got out and told me to stop in my tracks. They kicked and punched and slapped me all over my head and body. They told me to get up and threw me in a garbage bin. I thought they were my last moments, and I was ready for that. I lay down on the garbage and they pulled out a razor blade and a screwdriver and poked and cut me all over, especially my ass, crotch, and thighs. They sliced me up and poured around five liters of gasoline all over my body and face and set me alight. I was screaming and tossing and turning from the burns, but I managed to protect my face. The neighbors rescued me. They came to my aid and threw water on me, covered me in a blanket and took me back to my aunt's house. I did not go to the hospital because it was shameful.⁷⁶

At her aunt's house, Khadija said she was treated poorly by her aunt who refused to stitch her wounds. "She [my aunt] was waiting for me to die. I was in a terrible state and had toxins coming out of my body for six months, and I still am not completely healed," Khadija said.

Khadija added that she felt horrified about her injuries, and the damage to her beauty and her body that she had always loved. She said she felt embarrassed to have a physical relationship because of her burns. She said:

They [the attackers] wanted me dead. They have constrained my body, and I cannot love or be loved. I am ashamed of my body because of my current physical state. I even contemplated suicide. These groups, when killing and torturing LGBT people, focus on the sensitive areas of our bodies to inflict damage and mutilation as a kind of restriction and authority over the freedom of our bodies.⁷⁷

Khadija told Human Rights Watch and IraQueer that the first attack against her dates to 2011, when four men who identified themselves as members of the "Mahdi Army," an armed group, forcibly entered her aunt's house where she was hiding. She said, "They

⁷⁶ Ibid.

⁷⁷ Ibid.

blindfolded me, tied me up and covered my mouth. I did not scream at the time, how could I? They beat me with an iron rod, which broke my right leg, shaved my hair, and pulled out my nails. The effects are still visible on my body.”⁷⁸

Ayman’s Story

In March 2021, Ayman, a 20-year-old gay man from Baghdad, said members of his family, who belong to the PMF groups Kata’ib Hezbollah and Asa’ib Ahl al-Haqq, attempted to kill him. He said:

I look different from others, and it started with family troubles. I’ve never been out about my gender identity, they only assume it because of the way I look. In the beginning of the year [January 2021], after my father started showing up to my workplace and beating me up there, I left to stay over at my uncle’s place who is a more authoritative figure of the armed group they belonged to but did not tell him the reason. My father came and there was a big brawl with guns, so I ran away, and they [my father and uncle] followed me. The neighbors brought me back and offered me shelter as my family waited outside with guns. It was very primitive and tribal. My father went to Najaf so he could obtain a *fatwa*⁷⁹ about whether it is lawful/pious to kill me.⁸⁰

Ayman said three men who belonged to the same PMF group [Kata’ib Hezbollah] as his father, came to his residence with handguns and machine guns, and they fired continuous shots at him. He said:

It was attempted murder. I hid and was miraculously saved. My mother locked me up in a room to keep me safe. She took me to the police station to file a lawsuit, we thought it would be in our favor. No one was arrested throughout the four months of the lawsuit. I wasn’t able to go to school or work even. My employer was

⁷⁸ Ibid.

⁷⁹ In Islam, a fatwa is a religious edict, issued as a formal ruling or interpretation on a point of Islamic law by a qualified legal scholar (known as a mufti).

⁸⁰ Human Rights Watch phone interview with Ayman, September 23, 2021.

threatened with murder if he kept me as an employee. He fired me. It was all a show of power.⁸¹

Ayman said a patriarch in his family eventually intervened to make amends and forced him to drop the lawsuit. While he remains in danger at home, he said he has nowhere to go for protection. He added, “They [my father and uncle] told me they will seek vengeance later.”⁸²

Rania’s Story

Rania, a 21-year-old transgender woman from Baghdad, was threatened online in May 2020 by unknown individuals, then kidnapped in June 2020 by men who she said identified themselves as members of Saraya al-Salam, a PMF group with close ties to Moqtada al-Sadr. She told Human Rights Watch and IraQueer:

In May 2020, I received death threats on my phone number. They contained religious slogans, and the people called me by my full name and threatened to beat, rape, and kill me. I received daily threats until I changed my phone number and told my parents I lost mine.⁸³

A month later, in June, when she was on her way to university one morning in Baghdad, Rania was abducted. She said:

As I was about to get on the bus, a group of men emerged and told me to get into the car they were driving, which had tinted glass and no license plate. One of the men had a gun and held it to my head. I was terrified and didn’t know whether to run or get in the car. I asked, ‘Who are you?’ And the man with the gun said, ‘This gun has a silencer, if you don’t get into the car, I will shoot you.’ I got in. They blindfolded me and drove for about 30 minutes, until we reached a house. They pushed me into a room, closed the door, and left for about an hour. They held me in a room with the picture of

⁸¹ Ibid.

⁸² Ibid.

⁸³ Human Rights Watch and IraQueer interview by text messages with Rania, October 25, 2021.

Moqtada al-Sadr on the wall and threatened me while reciting religious slogans.⁸⁴

An hour later, Rania said the attackers came back, all carrying guns, and started beating and cursing her. They said, “You are a faggot, you are a shame to Islam and this country. You like to take it in the ass? We will rape you and put this gun up your ass.” Rania said she kept denying, but they said, “We know.” “Kneel and pray your last prayer because we will kill you.”⁸⁵ She continued:

I kept begging them not to kill me and I was sobbing. They said, ‘Admit that you like to take it in the ass and that you will change.’ They beat me so hard I felt I would die. Then under pressure I said, ‘Yes, I will change.’ They said, ‘We will kill you because you are a faggot scum, we will clean our society from your likes.’ They kept beating me, then suddenly left the room for a few minutes and then one man returned.

He said, ‘If you suck my dick, we will let you go.’ I refused and kept begging them not to force me. I said, ‘I’d rather you kill me.’ Then two additional men came in, one took off my shorts and the other raped me, then they took turns pinning me down and raping me. When they were done, they left the room, and I heard them talking. One said, ‘We should let him go.’ The other said, ‘If we do, he will give away our location.’ One of them came back and said, ‘If we hear something like this again, it will be the end of you.’ Then they pushed me to the street.⁸⁶

Rania said she could not leave the house for weeks after her abduction. She stopped eating, failed her university exams, and attempted suicide, she said. “Right now, I feel like the walking dead. I’m only half alive.”⁸⁷

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

Salim's Story

On March 7, 2020, Salim, a 20-year-old gay man from Baghdad, said he was working the night shift at a medical unit in Baghdad when an unknown man arrived at 1 a.m. and threatened him with death because he is gay. He said:

He was masked and did not introduce himself. The next day, I went to the [anti-corruption] protests in disguise by covering my beard and mustache. After two days, they [perpetrators] were able to locate my residence by following me home.⁸⁸

Salim said a group of four men followed him in a black Chevrolet Tahoe with tinted windows and no license plate. He added:

I was able to dodge them during the many times they chased after me because I had a fast sports car. I felt I was being followed at the time because whenever I would go to a mall or the market, I would see the same people following me. They would go into the same shops I went to, but would wait outside if I entered, say, a minimarket; they had long beards, and wore green t-shirts.⁸⁹

Salim said he refrained from returning home while he knew he was being followed, and he had elected to stay with friends for a month for his and his family's protection. During the first week of that month, Salim said they followed him at a distance. But the second week, while he was driving with a friend, he noticed that the same car was after them and dropped his friend off at another location to decoy them:

They followed that friend for a while, and then other friends, until it got to a point where my friends were not in favor of seeing or hosting me anymore. I also closed all my social media accounts in May, I changed my number and my car even. I now operate under private profiles on social media because I was certain they were following me through my mobile number. I was certain because they were chasing me once and I made sure I lost them,

⁸⁸ Human Rights Watch phone interview with Salim, June 18, 2021.

⁸⁹ Ibid.

then drove to my friend's place and found them there after a short while.
The only way they could have found me was through my mobile number.⁹⁰

Three months prior, Salim said he received a phone call at 2 a.m., which he answered, but there was no response on the other line. He added that the silent calls repeated for over 30 minutes. He said:

After I got the same call the following day, I saved the number and searched it on WhatsApp. I found a photo of a 30- to 40-year-old guy with a beard [dressed in military attire]. I remember asking my family, relatives, and friends about him, but no one knew him.⁹¹

During the time he was dodging them by sleeping over at friends', and while he was in the Dora neighborhood driving to his friend's place, Salim said he noticed the same Chevrolet closing in on him. The men inside the car opened their windows, and the man in the passenger seat fired five shots at him with a gun:

It was horrifying. They were not doing it to frighten me, because those shots were aimed at the driver's seat; they wanted to kill me. I was able to lose them by heading toward an area that is very familiar to me, passing three checkpoints without stopping.⁹²

At the fourth checkpoint, Salim said police officers stopped him, handcuffed him, and began questioning him. He told the officers what was happening, and they said, "We won't hold you up for long," he said. They made him take an alcohol test because they were informed about his reckless driving at the previous checkpoints. They then seized his vehicle, he said.

Salim cried as he recounted the incident:

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

I am trembling as I remember what happened. Our community suffers tremendously, no one knows what we pass through. I did not stop crying and shaking after that car-chase. I lost them, but I will never forget.⁹³

After the attempted killing, Salim told his parents he was being chased due to his participation in the protests, for fear of retaliation against him if he had revealed his sexual orientation to his parents. The family then had to relocate, he told Human Rights Watch. In June 2020, when his parents went to visit their old house, Salim said:

My parents received a threatening letter/envelope thrown at our front door [in the previous apartment]. The letter said that if they don't hand me in, they are going to kill us one by one.⁹⁴

Mariam's Story

Mariam, a 21-year-old lesbian from Baghdad, was identified by armed groups due to her appearance, and was stabbed in the leg by three men in blue caps (typical of armed groups allied with Moqtada al-Sadr) in May 2020.⁹⁵ She said:

Directly after Moqtada al-Sadr had tweeted about LGBT people on May 17, three men on a motorbike accosted me, beat me up, and stabbed me with a knife in my leg and cut up my arms. They said that they were from Saraya al-Salam and warned me to stop my immoral behavior. I was bleeding uncontrollably and thought I would bleed out. My friends helped me and bandaged my wounds.⁹⁶

Yasser's Story

Yasser, a 21-year-old Iraqi gay man, told Human Rights Watch that during the protests in November 2019, he was stabbed in the shoulder by unknown men who he suspected

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Adnan Abu Zeed, "Who are Sadr's Blue Hats in Iraq and what side are they on?," *Al-Monitor*, February 12, 2020, <https://www.al-monitor.com/originals/2020/02/muqtada-sadr-iraq-blu-hats.html> (accessed November 20, 2021).

⁹⁶ Human Rights Watch phone interview with Mariam, July 23, 2021.

belonged to the PMF group Asa'ib Ahl al-Haqq, because they had identified themselves in death threats against Yasser on WhatsApp. He said:

One night my father beat me so badly I felt he was going to kill me. I ran away from home wearing only shorts and I was barefoot. I went to the protest square. Some men picked me up from the street. My friend, whom I work out with, was there with me. He is also gay. I will never forget what happened. Security forces started entering the bridge, throwing tear gas and sound bombs directly toward the protesters. Amid the chaos, three masked men approached us. They screamed 'faggot' at me and one of them stabbed me in the shoulder. Because I am so fit [my father forces me to work out so I would be a man], I ran away from them and hid under a truck. I could have died.⁹⁷

Anwar's Story

Anwar, a 21-year-old gay man from Baghdad, said that in 2018 he was abducted by Harakat Hezbollah al-Nujaba, an armed group under the PMF. He said:

I spent ten days in their secret prison, and they subjected me to physical torture. They were mostly in civilian attire, but some were wearing military attire akin to that of the Fasa'il [armed groups]. I was in captivity at a farm in Baghdad. I spent four days at that secret prison, I was electrocuted and sexually tortured. They brought empty alcohol bottles and forced me to sit down on them, to have these bottles anally penetrate me. I suffered constant verbal abuse, like, 'You chick [farakh]! You Pup [jerou]!'⁹⁸

After he got out of the secret detention site, Anwar said he suffered from mental and physical ailments: "I had to undergo two surgeries to my rectum and see a psychologist to process the trauma."⁹⁹

⁹⁷ Human Rights Watch interview with Yasser, October 5, 2021.

⁹⁸ Human Rights Watch phone interview with Anwar, July 5, 2021.

⁹⁹ Ibid.

Death Threats by Armed Groups

Ammar, a 27-year-old gay man from Najaf, spoke about threats he received from members of a PMF group, Saraya al-Salam, in the street in October 2019. He said:

I had a relationship with a coworker. We had sex at work, and we did not realize there were cameras in the room. During the beginning of the uprising in October 2019, I was in the protest square when a group of armed men, saying they are from Saraya al-Salam, approached me and said, ‘We know who you are, and you will be killed like you deserve. We have the recording.’ I did not leave my house after that.¹⁰⁰

Salma, a 20-year-old transgender woman from Mosul, said that she fled to Erbil in 2020 because of death threats she had received from armed groups in Mosul. However, later that year individuals she suspected were Asayish members (the Kurdistan Regional Government’s security forces) came to her workplace in Erbil to threaten her with death, which prompted her to leave her job and the city immediately.¹⁰¹

Leila, a 31-year-old transgender woman from Baghdad, told Human Rights Watch that she fled Iraq on October 15, 2018, with her boyfriend, a gay man, after they were informed that both their names are on a “death list” comprised of LGBT Iraqis’ names. She said:

We had a journalist friend who told us that there’s something dangerous happening—she got a hold of papers that have the names of ‘civic engagers’ and LGBT people in Iraq, who were listed for the armed group to kill. My name was on it. In 2018, I was walking on the street, and a car stops next to me, and the driver says, ‘We will see you in the third opening,’ which refers to the cemetery in my city.¹⁰²

¹⁰⁰ Human Rights Watch phone interview with Ammar, September 17, 2021.

¹⁰¹ Human Rights Watch phone interview with Salma, September 13, 2021.

¹⁰² Human Rights Watch interview with Leila, December 18, 2018.

III. Witness Accounts of Killings and Threats by Suspected Armed Groups

In late May 2020, my boyfriend was killed in front of me. I had a date with him at night, so I went to his house, and saw a black Honda car parked under his house. I stayed at a distance and watched him leave the building. Then four men got out of the car. I saw two of them had guns. They all had long beards. They beat him and forced him into the car and drove away. I followed them in my car. They stopped by Abu Ghraib [a former prison west of Baghdad] then took a left turn. They arrived at a big farm, they took out my boyfriend and started beating him. I heard him scream and sob. I wanted to help but I was terrified and didn't know what to do. They kept beating him for around 20 minutes. Then they shot him five times.

—Laith, 27-year-old Iraqi gay man, October 13, 2021

Laith could not talk on the phone because he suffered a speech impediment after the death of his boyfriend. He told Human Rights Watch and IraQueer via text messages that he went back to the farm where his boyfriend was killed the next day and did not find his body. “Only some blood remained,” he said.¹⁰³ Laith added:

At night his parents called me and asked if I knew where he was. I said I didn't. Three weeks later, his family said the police called them and said they found his dead body. I still don't know where they found the body or what they did to it. No one knew about our romantic relationship. We were both very secretive and hid our identities well.¹⁰⁴

Laith said that in February 2020, he and his boyfriend received death threats online from two different accounts. According to Laith, one of the messages said, “Hi faggot. We know where you work and where you live. We will fuck you and kill you.”¹⁰⁵ Laith added:

¹⁰³ Human Rights Watch and IraQueer interview via text messages with Laith, October 13, 2021.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

I received seven messages from different accounts. They sent me Moqtada al-Sadr's picture, and said, 'We have been cleaning the city from people like you for years.' I didn't think anything would happen because everyone receives threats online and most of the time nothing happens. After receiving these threats, my boyfriend said he felt like someone was following him. A couple of months later, he was killed.¹⁰⁶

Laith said that after his boyfriend was killed, he moved cities, changed his phone number, and deleted all social media accounts. He feared that he would be targeted next because he had heard many stories in 2020 of people who were threatened online then killed, he told Human Rights Watch and IraQueer.¹⁰⁷

Laith described the grief he felt over his boyfriend's death. He said, "My life is over. I'm dead inside. Only my body is still here, but I'm gone. The pain and terror I carry will never go away. I just hope the future generation doesn't have to suffer like we did."¹⁰⁸

Yasser, a 21-year-old Iraqi gay man who survived a killing attempt, told Human Rights Watch about witnessing his friend's murder. Yasser wept while telling the story:

On November 5, 2019, I saw my friend die in front of my eyes. Three masked men approached my friend and me, pulled out knives, and stabbed my friend repeatedly in front of me. He is also gay. I will never forget what happened. They kept stabbing him for what felt like forever. They addressed him and said, 'Faggot! Faggot! You are faggot scum and deserve to die.' One of them stabbed me in the shoulder, and I still don't know how, but I ran for my life. I could have been lying next to my friend.¹⁰⁹

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Human Rights Watch interview with Yasser, October 5, 2021.

Doski Azad

On January 28, 2022, Doski Azad, a 23-year-old transgender woman, was reportedly killed by her brother near Dohuk, a city in the Kurdistan Region of Iraq (KRI).¹¹⁰ KRI authorities found Azad's body on February 1. A spokesperson for the Dohuk police told the media that Azad's brother shot her twice before fleeing the crime scene.¹¹¹ The Kurdistan Regional Government's security forces said they had opened an investigation into the killing and issued an arrest warrant against Azad's brother, who is presumed to be living in Germany, according to media reports.¹¹²

Ahmad Majed al-Mutairi (Hammoudi)

In early October 2018, a video of a 14-year-old boy's murder in Baghdad was posted on Facebook and circulated widely on across social media platforms.¹¹³ The individual filming the victim, Ahmad Majed al-Mutairi, known as Hammoudi to his friends and family, could be heard in the video taunting him with homophobic slurs, while al-Mutairi laid on his side, bleeding from his abdomen, and pleading to see his mother.¹¹⁴

Al-Mutairi was popular on the social media platform Instagram, where he posted gender non-conforming pictures of himself with Snapchat [social media application] filters, appearing more "feminine." His friends, including a friend whom Human Rights Watch interviewed, said the teenager had been receiving threats on social media from fake accounts for months due to his appearance.¹¹⁵

According to witness statements, the perpetrators attacked al-Mutairi on the street in Baghdad's Yarmouk neighborhood and stabbed him repeatedly in the stomach. The

¹¹⁰ Alex Cooper, "Young Trans Woman Allegedly Shot By Brother in an Honor Killing," *Advocate*, February 7, 2022, <https://www.advocate.com/news/2022/2/07/young-trans-woman-allegedly-killed-brother-honor-killing-iraqi-kurdistan> (accessed February 7, 2022).

¹¹¹ Dilan Sirwan, "Trans woman killed by brother, perpetrator flees country," *Rudaw*, February 2, 2022, <https://www.rudaw.net/english/kurdistan/020220223> (accessed February 2, 2022).

¹¹² Azhar Al-Rubaie, Alex MacDonald, "Iraq: Murder of trans Kurdish woman sparks anger among activists," *Middle East Eye*, February 4, 2022, <https://www.middleeasteye.net/news/iraq-trans-kurdish-woman-murder-sparks-anger> (accessed February 4, 2022).

¹¹³ Sammy Bn, Facebook Video, October 11, 2018, <https://www.facebook.com/100013138380919/videos/538092973305311/> (accessed May 14, 2021).

¹¹⁴ "Iraqi teenager brutally killed because of his looks," *Gulf News*.

¹¹⁵ Human Rights Watch phone interview with al-Mutairi's friend, November 16, 2021.

individual filming the victim could be heard in the video asking al-Mutairi, “What is your name? Where is your house?” Al-Mutairi, short of breath and in tears, responded, “Hammoudi, four streets away.” The individual filming asked, “Were you at your friend’s place? Who is your friend?” Al-Mutairi answered, “Sajjad.” He then asked, “What is this coming out of me?” The individual filming said, “Your guts are out.” Al-Mutairi then repeatedly pleaded, “I want to see my mother.”¹¹⁶

On November 16, 2021, Human Rights Watch interviewed one of al-Mutairi’s close friends, who said he had previously been shot at by unknown men due to his hairstyle. He told Human Rights Watch:

Hammoudi lived with his parents. He was at his friend’s Sajjad’s near his home and when he left, he was attacked and killed. It was Wednesday night. I don’t know who the attacker is or who took the video. Hammoudi showed us [his friends] many threats he had received by armed groups because of his posts. I had heard about Sajjad [the friend whose name appears in the video], but I don’t know him well because Hammoudi had his own group of friends in his neighborhood, then we hung out in another neighborhood. After his death, I fled the country because I feared I would be targeted next because of my appearance.¹¹⁷

Disappearances

Imad, a 26-year-old man from Baghdad, spoke to Human Rights Watch about his friend who disappeared on June 23, 2021, ten days after he was threatened by PMF groups, who identified themselves in the messages. He said:

I have a close friend [name withheld] who received three death threats by members of Saraya Al-Salam and Kata’ib Hezbollah [PMF groups], which he showed me on his phone, because he is gay, but he never took those threats seriously. I advised him to do so but without resorting to the police because they would make matters worse. He disappeared on June 23, 2021,

¹¹⁶ Sammy Bn, Facebook Video.

¹¹⁷ Human Rights Watch phone interview with al-Mutairi’s friend, November 16, 2021.

ten days after receiving these threats and I never heard from him again. He stopped responding to messages and his number was unreachable. I'm afraid they killed him. If he relocated or sought refuge somewhere else, I am sure he would have reached out.¹¹⁸

Salim, a 20-year-old gay man from Baghdad, said:

I took part in organizing LGBT parties at the Sheraton Hotel in Baghdad. My friend, who organized one of the parties that we called a 'ladies' night' in May 2020, was kidnapped. They [police] raided the party; it was a full-blown SWAT team like in the movies. The guy who organized the party had a fight with members of Asa'ib Ahl al-Haqq [who appeared at the scene after the police arrived] who crashed the party because there was alcohol. One guy wanted to confiscate a box of Heineken beer that was at the party. I am certain they [police] came to the party because it had gays and women in it, as there are many other places that sell alcoholic beverages to underage individuals without any accountability. My friend [organizer] was imprisoned by the police for about a week, and when he got out, he was kidnapped for a month, but I don't know who kidnapped him. When they [perpetrators] returned him, he was broken and bruised all over, and we haven't heard from him since. He disappeared after the abduction. I tried to reach him everywhere and he was not even getting my messages. Even his family does not know where he is. He vanished. I believe he was killed. We never had any gatherings after that incident.¹¹⁹

In December 2020, Human Rights Watch reported on a case of disappearance of Arshad Heibat Fakhry. According to his brother, a group of unidentified armed men arrested Fakhry, 31, and a government minister's nephew on November 20, 2020, at 10:30 p.m. at the Ishtar Hotel in Baghdad. His brother told Human Rights Watch that every official they have spoken to about the case alleged instead that Fakhry had organized a party for LGBT people and had been in possession of drugs, both allegations the brother said were

¹¹⁸ Human Rights Watch interview with Imad, September 23, 2021.

¹¹⁹ Human Rights Watch phone interview with Salim, June 18, 2021.

false.¹²⁰ Fakhry's brother said he spoke to the other man arrested with Fakhry, who was released on November 22, 2020. That man told him he did not know who had arrested them or where they had been held, and that he was blindfolded and brought to his uncle's ministerial office and released there without any further information. Although he made multiple attempts to inquire about his brother's whereabouts with the Interior Ministry, the brother said he did not receive any information from the authorities.¹²¹

Montaser, a 26-year-old bisexual man from Kirkuk, spoke about the murder of his friend, Anmar, in 2018 in Baghdad. He said:

It was armed groups who killed him, but I don't know which one. He was killed and thrown in the streets. We used to communicate via WhatsApp groups. We used to be three friends that invite LGBT people to the group to chat and that is how I knew him. He called me twice and told me about his parent's divorce and talked about his work and how good it was. We did tell him to be careful, he told us not to worry and said he knew high-ranking officers. He was called for a business deal and then disappeared for a week without a trace, and then we found out he was killed.¹²²

¹²⁰ Belkis Wille, "Despite Prime Minister's Promises, Disappearances Continue in Iraq."

¹²¹ Ibid.

¹²² Human Rights Watch phone interview with Montaser, July 5, 2021.

IV. Sexual Abuse and Violence by Armed Groups

Twenty-seven out of the fifty-four LGBT people Human Rights Watch interviewed said they had experienced sexual abuse and violence by state actors and armed groups, including unwanted touching,¹²³ rape,¹²⁴ gang rape,¹²⁵ genital mutilation,¹²⁶ and forced anal examinations.¹²⁷

Article 396 of the Iraqi Penal Code outlines the punishment for sexual assault which can be forcible, or in cases committed against juveniles which constitute a crime even if it is non-forceful or consensual.¹²⁸ The article provides as follows:

(1) Any person who sexually assaults a man or woman or attempts to do so without his or her consent and with the use of force, menaces, deception, or other means is punishable by a term of imprisonment not exceeding 7 years or by detention.

(2) The penalty will be a term of imprisonment not exceeding 10 years if the person against whom the offence is committed is under 18 years of age or the offender is a person described in Sub-Article 2 of Article 393.¹²⁹

Article 397 introduces aggravated sentences if the victim is under 18: “Any person who sexually assaults a boy or girl under the age of 18 without the use of force, menaces or deception is punishable by detention. The penalty will be a term of imprisonment not exceeding 7 years or detention if the offender is a person described in sub-article 2 of article 393.”¹³⁰

¹²³ Human Rights Watch phone interview with Zoran, November 18, 2021.

¹²⁴ Human Rights Watch phone interview with Mazen, September 17, 2021.

¹²⁵ Human Rights Watch and IraQueer interview via text messages with Rania, October 25, 2021.

¹²⁶ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

¹²⁷ Human Rights Watch phone interview with Karim, July 2, 2021.

¹²⁸ Iraq Penal Code, No. 111 of 1969.

¹²⁹ Ibid.

¹³⁰ Ibid.

Zoran, a 25-year-old gay man from Sulaymaniyah in the Kurdistan Region of Iraq (KRI), told Human Rights Watch he was sexually assaulted by two members of the Asayish on November 4, 2021, around 9 p.m., while he was on a date with a man he met on the same-sex dating application Grindr. He said:

He [my date] insisted that he wanted to hug and kiss me. I told him I was afraid they [Asayish] would find us. We decided to go to a park. When we parked our car, he insisted we go to the bathroom and kiss there. I was afraid someone would see us, but I trusted him, so I obliged. The moment we entered the bathroom, and he began kissing me, two Asayish officers knocked on the bathroom door then broke it and entered. They began beating me with a baton, on my legs, my chest, my back, my face, all over my body. They cursed me and called me a ‘faggot.’ One of them said, ‘You look like a man, not a gay, why do you do this?’ They threatened us with arrest and calling our families. One officer said, ‘We will put you in prison for 15 years.’ I tried to explain myself, but one officer caught my hand and demanded I go to his car with him.¹³¹

In the police car, Zoran said the officer asked him to download Grindr on his phone, which he did. He then proceeded to sexually assault him. Zoran said:

He told me, ‘You’re very handsome, you need to be with someone older than you. You should be mine.’ He touched my chest, my hand, my body, and my penis. He touched his penis while he was touching mine. While doing this, he asked me, ‘What kind of penis do you like? Large? Small?’ After he finished, he drove me to my car and let me go.¹³²

Abbas, a 21-year-old gay man from Baghdad, said that in July 2021, he was subjected to sexual abuse by a police officer in the street in Baghdad. He said:

I was listening to a podcast on my phone at 11 p.m. near Dora neighborhood in Baghdad, when a police officer approached me and started harassing

¹³¹ Human Rights Watch phone interview with Zoran, November 18, 2021.

¹³² Ibid.

me. He immediately pulled me close to him and started putting his hands on my body. I pushed him away. He asked me what I was doing there at night, then took my phone to check what I was listening to. He put his hand on my crotch and started caressing himself, then told me to walk with him toward a place with three other men, but I refused and ran away.¹³³

Salma, a 20-year-old transgender woman from Mosul, was kidnapped and raped by members of a suspected armed group in early 2018. She said:

I was walking in the street, then four men in fasa'il [armed group] clothing approached me and said, 'You are a girl not a boy!' 'Why do you look like this?' 'You're gay!' 'You're a faggot!' I suddenly found myself in a car with them. Three men took turns raping me and the fourth one watched. When they finished, I got out of the car and ran away. Now, even in Baghdad, I am very wary of going out in public. Since then, I tried to commit suicide three times. I never go out anymore.¹³⁴

Khadija, a 31-year-old transgender woman, said:

I met someone very influential in the Ministry of Interior, in a very high position in Baghdad. He had sex with me against my will. He also had weapons and guns with silencers. He gave me the numbers of people he wanted me to sleep with, and he said I should bring him back proof of that—a used condom, pictures, audio. He told me to hide my phone [which he wanted me to use to get proof] in my anus so that they wouldn't find it. I left his place and immediately got myself to Kurdistan. I went to Sulaymaniyah and from there I went to Erbil and spent a year there. I went back to Baghdad and changed my phone, my residence, and everything that could lead that man to me.¹³⁵

¹³³ Human Rights Watch phone interview with Abbas, September 23, 2021.

¹³⁴ Human Rights Watch phone interview with Salma, September 13, 2021.

¹³⁵ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

Mazen, a 20-year-old gay man from Baghdad, said in April 2020 he was stopped at a checkpoint in Karrada neighborhood:

A police officer asked me to get out of the car. He asked about my name and age. I kept answering to avoid any problems. He said, ‘I will not let you go before I get your number.’ I did not know what to say, I was very confused, I was eventually forced to give him my number—he called me to make sure it wasn’t a fake number. At 1 a.m. I received a call, I rejected it and asked who it was over WhatsApp. I did not get a response and the number called again. When I answered, he told me that he was the officer who stopped me earlier and that he wanted to get to know me. I apologized and said that I was not interested, then I hung up.

He called me repeatedly for a day-and-a-half, and I did not answer. Eventually, he sent me a WhatsApp message with [a description of] my car and my license plate [number] and told me that he would seize my car if I did not respond. When I met him, it was very bad. He drove me around in his car, and he took me to his apartment. I did not feel right being in that apartment and I told him I wanted to leave. He refused and raped me. I hated myself at the time. I cried and screamed and begged him to take me home. He drove me home, but I forgot my phone. I was shaken.¹³⁶

In 2019, when Tatiana, a transgender woman from Basra, a city in southern Iraq, was 17, she was sexually assaulted by a man who said he belonged to a Popular Mobilization Forces (PMF) unit. She said:

I was going to take an exam in al-Qusour area, and I got lost in the building. I went to ask for directions, and a group of men in their mid to late 20s sat me down in their office and started harassing me. They asked for my number, and said they are with the Popular Mobilization Forces. I gave one of them my number just to get rid of him. He later asked me for sexual services, which I rejected. He started chatting with me three hours after our meeting, telling me that he likes me, then asked to go out with me. I was

¹³⁶ Human Rights Watch phone interview with Mazen, September 17, 2021.

scared he would kill me, so I went out with him, in a government car. He took me to a depopulated area and forcibly had sex with me. Then he took me back home and I blocked him. He started calling from other numbers and threatening that he would tell my parents; he did that for a month. I don't know how he got all that information on me as I always made sure he dropped me at a distance from my house. He told me he knew all my personal details and my parents' too. This terrified me.¹³⁷

¹³⁷ Human Rights Watch phone interview with Tatiana, September 17, 2021.

V. Security Force Abuses

In early 2021, I went to Liberation Square and there was a big brawl. I was a medic at the time. Police officers surrounded the whole area I was operating in and formed a blockade, and then caught me and beat me up in Khallani Square. I experienced several beatings like that one, causing fractures to my spine. They would search me in a very sexual way and make fun of my appearance. I could not say anything because there was a gun aimed at me. Everything seemed permissible to them, even murder.

—Mariam, 21-year-old Iraqi lesbian, July 23, 2021

LGBT people across Iraq face routine violence from security officials, who verbally and physically assault them, arbitrarily arrest, and detain them, often without a legal basis. Interviewees reported that any suspicion of gender non-conformity may lead to violence or harassment by security forces. Human Rights Watch documented 15 cases of arrest by security forces against 13 LGBT people in Iraq.

“Endless Tragedy”: Arrests, Violence, Harassment at Checkpoints

Security checkpoints are ubiquitous throughout Iraq.¹³⁸ At checkpoints security officers can stop vehicular traffic, search cars as well as individuals present in the vehicle, and may request that individuals passing through a checkpoint show their ID. The primary purpose of checkpoints is imposing surveillance on any threats to national security.

The proliferation of checkpoints results in an abuse of power by security personnel, who regularly stop pedestrians they deem “threatening” and may feel empowered to impose arbitrary surveillance on individuals they view as “suspicious.”¹³⁹

Thirty-four of those interviewed by Human Rights Watch reported having been questioned at a checkpoint at least once.

¹³⁸ “Iraq: Hundreds go missing or get killed at checkpoints,” *The New Humanitarian*, June 6, 2007 <https://reliefweb.int/report/iraq/iraq-hundreds-go-missing-or-get-killed-checkpoints> (accessed November 2, 2021).

¹³⁹ “Iraq: Secret Detention, No Recourse,” Human Rights Watch news release, September 27, 2018, <https://www.hrw.org/news/2018/09/27/iraq-secret-detention-no-recourse>.

Mariam, a 21-year-old lesbian from Baghdad, said:

This [being stopped at checkpoints] is an endless tragedy with me. There is one officer in my city who stops me every single time he spots me and asks me for my ID. He has memorized my name and details about me, including my place of residence. My ID photo mostly conforms with the way I look, but I have short hair and often dress in a way that doesn't show my feminine features like the rest of the girls. They would tell me, 'You're a man!' I always hear sayings like, 'Oh, you're really a girl?' When my car leaves the checkpoint they say, 'She's a dyke!' This happens every single time.¹⁴⁰

Mariam added:

In early 2020, I was in the protest square when a car came and stopped me, then took me to a police station. They did not take me to a cell, only to the main hall at the station. Every now and then someone would come to me and ask me whether I was a boy or a girl. During the interrogation, they asked me personal questions, such as, 'If you're a girl, what were you doing there?', 'Why do you look like that?', 'Why do you dress this way?', 'Do you have any illegal stuff on you?', 'Why do you have this much money?' They would never let me answer properly, they would just ask one question and quickly move to the next one. I mentioned the name of a friend [woman] who acquires funds and aid items from the United States, and I told them to contact her; they released me directly after that. I did not have to sign anything because this happened before they could write up the police report.¹⁴¹

Razan, a 41-year-old transgender woman from Basra, said she was arrested by airport security in December 2018 on her return from Turkey at Baghdad airport. Razan said security officers verbally demeaned her because of her appearance and accused her of impersonating another person. She told Human Rights Watch:

¹⁴⁰ Human Rights Watch phone interview with Mariam, July 23, 2021.

¹⁴¹ Ibid.

I was arrested for several hours. They asked me if my hair was natural or a wig, and the officer threw my passport on the ground and started humiliating me for how I look.¹⁴²

Nasma, an 18-year-old transgender woman, said she had been stopped at checkpoints in Baghdad countless times, due to her gender expression. In 2020, when she was 17, Nasma was stopped at one of the checkpoints in al-Amil neighborhood in Baghdad. She said:

They [police officers] began to sexually harass me, touching my body and pointing to my appearance to humiliate me. An officer asked for my number. I was forced to give him a number and I gave him an old one that was out of order.¹⁴³

Sami, a 23-year-old gay man from Najaf, said he was stopped at a checkpoint while he was visiting the Holy Shrine of Imam Ali:

The shrine is next to my house, so I didn't take my ID with me. While I was leaving before dawn, I started hearing people shouting at me to stop, they [police officers] pushed me and asked, 'What are you doing here?' 'Where do you live?' They wanted to see my phone and bombarded me with questions: 'Why are you so keen on keeping your phone with you?' 'Give us your ID.' 'How about you spend the night in our caravan?' I told them that I come here every day and questioned why they would need my ID when I live very close by. After hours of sexual harassment and taunting, they let me go.¹⁴⁴

Ali, an 18-year-old gay man from Karbala, said that in April 2018, when he was 15, he was stopped at a checkpoint near his home in Basra, where he was residing at the time. He said:

¹⁴² Human Rights Watch phone interview with Razan, October 19, 2021.

¹⁴³ Human Rights Watch phone interview with Nasma, June 30, 2021.

¹⁴⁴ Human Rights Watch phone interview with Sami, July 5, 2021.

They [police officers] stopped me for several hours at the checkpoint, solely because of the way I look, and for my long hair. They refused to let me pass unless I called my parents and they made sure they knew I was at this checkpoint. An officer told me to go home with him. He took my number and tried to reach me over WhatsApp. One of the police officers asked me, 'Does your family know you look like this?'¹⁴⁵

Masa, a 19-year-old transgender woman from Najaf, said that in late 2020 she was sexually harassed by a traffic officer. She said:

I was on my way back home from school one day on the bus. As I was walking, a traffic officer followed me on his motorbike. He kept following me and he took my number and my social media details. He reached out to me over Facebook, he wanted to sleep with me.¹⁴⁶

Mazen, a 20-year-old gay man from Baghdad, said he and his boyfriend were stopped by police in April 2019 while they were in their car:

We were making out, and a police car suddenly approached us. They glanced at us and told us to get out immediately. They were two police officers from the federal police force command [according to their uniforms]. They asked us what we were doing and requested our IDs. They did not see that we were kissing but thought we were suspicious because of the way we looked. They did not spare us until we paid them around 50,000 dinars [US\$34] as a bribe.¹⁴⁷

Hamad, a 19-year-old gay man from Baghdad, said he was stopped at a checkpoint on March 13, 2020, at 8 p.m., in Khallani square in Baghdad. He said:

They [police officers] stopped me and asked for my ID, which I did not have. Then, they took my phone to searched it. They searched Viber, Facebook,

¹⁴⁵ Human Rights Watch phone interview with Ali, July 5, 2021.

¹⁴⁶ Human Rights Watch phone interview with Masa, September 17, 2021.

¹⁴⁷ Human Rights Watch phone interview with Mazen, September 17, 2021.

Instagram, messages, and WhatsApp. The officer then checked my photos, and he saw a rainbow flag and 14 private photos of me, which confirmed to him that I was gay. He proceeded to ask me very sexual questions. He wanted me to come with him to his apartment, so he could have his way with me. He threatened to arrest, torture, rape, and kill me if I didn't speak. I was held for four hours, until 12 a.m. He commented on my long hair and told me that he will hand me to armed groups to rape me. I was very scared, I turned pale. When I refused to have sex with him, he called his fellow officers over and they also threatened to arrest and assault me. He blatantly told me that he would rape me if he saw me again, then he let me go.¹⁴⁸

Montaser, a 26-year-old bisexual man from Kirkuk, said National Security Agency (NSA) officers stopped him at Baghdad Airport in June 2018. He said:

It was 11 a.m. and the officer was supposed to stamp my passport so that I may leave, and the security officer refused and said, 'Not so fast, it's not always that we come across such a face.' 'You are prettier than my girlfriend,' another officer said. They [the two officers] insisted I come with them, and I went along because they had my passport. Before we got to the office, I got overwhelmed and shouted at them. 'Aren't you ashamed of yourselves?!' 'What are you trying to do, it's Ramadan!,' I cried out. Their supervisor then came and let me go.¹⁴⁹

On November 22, 2019, Montaser said he was stopped at al-Shaab checkpoint in northern Baghdad:

They [police officers] kept saying things like, 'How pretty,' 'So fuckable,' 'He's sparkling.' The officer wanted to arrest me, and while he walked me to the station, he tripped and dropped my passport in the mud, getting it wet.¹⁵⁰

¹⁴⁸ Human Rights Watch phone interview with Hamad, July 17, 2021.

¹⁴⁹ Human Rights Watch phone interview with Montaser, July 5, 2021.

¹⁵⁰ Ibid.

Montaser said that after the incident, his passport was ruined, and he described the “tedious and bureaucratic” process he underwent to issue a new passport in Iraq:

The process took two months, and I would be sexually harassed and groped every time I stepped into the police station or court. ‘Are you a she-male?’ ‘No, you’re a chick [Farakh],’ officers would say. They kept yelling all the obscene things they would do to me, and they pushed me around. At the police station, an older high commissioner took me aside and asked for my number and Facebook account to ‘make the process faster for me.’ That night, he called me and started harassing me. He said things like, ‘My love, I want to travel with you. My house is empty, come over.’ I blocked him.¹⁵¹

In July 2020, Montaser said a chief officer at a police station in Baghdad called his friend, who works for the police, to inquire about him. He said, “Where’s that pretty boy [Montaser]?” Then the chief officer proceeded to convince his friend to start a fake fight with Montaser to get them to arrest him, so the officer could have sex with him, he said.¹⁵²

“You Will Never Get Out”: Ill-Treatment and Torture in Detention

LGBT people who were detained, similar to other Iraqis who experience detention, reported being forced to sign pledges stating that they were not subjected to abuse in detention and being denied access to a lawyer. The conditions of their detention included being denied food and water, the right to access family and legal representation, the right to obtain medical services, being sexually assaulted and physically abused. One 18-year-old man reported being subjected to a forced anal exam when he was 17 years old, and another 18-year-old man said police officers attempted to subject him to an anal exam when he was 17. Anal tests, internationally discredited, can rise to the level of torture and sexual assault under international law.¹⁵³

Karim, an 18-year-old gay man from Najaf, was 17 when he was arrested on October 2, 2020, at 3 p.m., at a checkpoint in Baghdad, while he was returning to Najaf. Karim said:

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ “Ban Forced Anal Exams Around World,” Human Rights Watch news release, July 12, 2016, <https://www.hrw.org/news/2016/07/12/ban-forced-anal-exams-around-world>.

They [police officers] stopped me because I had long hair. They searched my bag, which contained boxes of nutritional supplements due to my previous infection with Covid-19 and accused me of taking narcotic pills. They also accused me of doing sex work. They called intelligence services and told them they caught me on a motorcycle with drugs in my possession, which was false.¹⁵⁴

Karim said that police officers took him to a caravan near the checkpoint, and one of the security personnel inside the caravan touched his crotch during the inspection, while the rest of the officers were laughing. The police insulted Karim by saying things like, “If you look like this, then how about your mother and sisters? We will sell you to prisoners. If you enter prison, you will never get out.”¹⁵⁵

Police officers searched Karim’s phone, he said, and after seeing pictures of personalities such as Safaa al-Saray, a human rights activist killed during the October 2019 protests in Tahrir Square in central Baghdad, the authorities accused Karim of “being a Tishreen [protester].” When they saw the kufiyah (traditional Middle Eastern headdress) in Karim’s bag, one of the officers said, “Are you trying to be a Palestinian terrorist?” Karim said.¹⁵⁶

Karim said police officers wiped a tissue paper across his face to check if he was wearing makeup. The officers then took Karim to the police station near Dora in Baghdad. During the investigation, Karim said they asked him, “Are you a Sunni or a Shia? Why did you come to Baghdad? Are you a prostitute? How much money do you charge? What tribe [‘ashira] do you belong to?”¹⁵⁷

At Dora police station in Baghdad, Karim said:

I was with 14 police officers in a tiny space, and they bombarded me with slander, offensive language, verbal, sexual and physical harassment, and threats with rape and imprisonment. They took demeaning photos of me. They pushed me around. This happened while I waited for someone to

¹⁵⁴ Human Rights Watch phone interview with Karim, July 2, 2021.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

come undress and examine me. One of the police officers touched my crotch and said, ‘You can say how much you charge for one night, then I will release you.’ I was a child.¹⁵⁸

Karim added that officers called his parents, asking them to come on the same day, or he would be imprisoned.

Karim said he was transferred to a room containing a mattress, several medical tools, and arrest files, for a forced anal examination. He told Human Rights Watch:

While I was trying to undress, there were several security personnel surrounding me. One of them sexually assaulted me by touching my private parts.¹⁵⁹

According to Karim, before he was released on bail the next day, he was forced to sign a pledge that he had not been subjected to any verbal or physical abuse. He said he was also forced to sign an agreement that he would not enter Baghdad again. After his detention, Karim said he became depressed and attempted suicide several times.¹⁶⁰

Karim said his father, a former soldier, verbally abused him while aiming a gun at him. He kept him in his room in the house for an extended period and told him that he had lost his honor and would never be a man, Karim said. “He [my father] threatened to kill me if I were to be arrested again.”¹⁶¹

Ali, an 18-year-old gay man from Karbala, said he was arrested three times when he was a child. In 2019, when he was 16, Ali was arrested at a checkpoint near his home in the Zubair area in Basra, after returning from the cinema with his cousin. He said:

One of the main checkpoints near my house stopped me. They asked for my ID, which I did not bring because I did not think I had to bring my ID every time I went out to a place like I was always a suspect. Then they took me to

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

the police station, and all the officers took turns verbally harassing me. They asked me about my sexual relationships. Then one of them said, ‘Why don’t you come to have sex with us?’ They threatened to detain me, then they forced me to cut my nails with a sharp blade from the center so that I could get out. I signed a pledge and came out of the center with my fingers bleeding. I was terrified.¹⁶²

In November 2020, when Ali was 17, police officers arrested him at a checkpoint in Baghdad and took him to a nearby police station in Arab Jibor. Ali said:

I was detained for around eight hours in total. While they [police officers] were taking me to the police station, they verbally harassed and bullied me for my appearance. They put me in a small room with more than ten officers, including the chief officer, several police officers, and a traffic officer. They began to write the police report. They searched me from head to toe, and insisted on taking my phone, even though I had refused. They got visibly upset and asked me about my refusal, to which I claimed that I had private family photos. They were adamant on imprisoning me. They made me call my parents and tell them I was detained.¹⁶³

On the way to the police station, Ali said a police officer pushed him against a pile of weapons that the officers had placed in the caravan, causing him bruises. Ali spoke about the 8-hour interrogation he was subjected to by police officers. He said:

They were searching for evidence that I was gay but could not find any. They asked me, ‘How much money do you get paid in exchange for sex?’ The interrogation never stopped, they asked questions that were mostly religious, ‘Why are you a Shia coming to a Sunni area to do prohibited [sexual] affairs?’, ‘Come have sex with us. We are Shias like you. You are a faggot.’ They asked me about my Facebook profile. I was extremely anxious throughout that whole time, and I experienced shortness in breath. I asked

¹⁶² Human Rights Watch phone interview with Ali, July 5, 2021.

¹⁶³ Ibid.

them for medical help and for water, but they did not help with anything, not even water.¹⁶⁴

Ali said that the officers wanted to subject him to a forced anal examination but said they would wait until “he got to prison.” He added that the arrival of a colonel from his hometown saved him. “The colonel asked where I was from, and it turned out we were from the same religious minority. He then instructed the officers to leave me in the room until my parents came, and not to take me to prison,” Ali said.¹⁶⁵

Before his father paid bail to secure his release, Ali said police officers forced him to sign a pledge stating that he was not subjected to any harassment or ill-treatment during detention.¹⁶⁶

In 2021, Ali was stopped by an armed group called Hashd al-Atabat in Karbala governorate in central Iraq, where he was taking photographs of buildings, due to his “shameful appearance,” he said. “After the armed group’s leader came, he told his men to cut my hair and then let me go.”¹⁶⁷

Masa, a 19-year-old transgender woman from Najaf, said she was arrested in March 2018, when she was 16. She said:

I was in a relationship with a man from Baghdad who came to visit me in Najaf. He wanted to visit the A’taba [holy shrine]. I do not usually go there because of the way I look. We went, and some people ratted us out to the security forces in the area. We were taken to a nearby police station under the suspicion that we met to have sex, though that was not our intention. They forcibly took our phones and searched them. They were certain that I was trans because of pictures on my phone. My companion and I were separated and put in different rooms. After that, most of the officers at the station sexually harassed me by groping me and grabbing my ass along with vile speech like we are ‘faggots.’ They did that while they were

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

interrogating us and searching our belongings. They told me they were going to perform an anal test on me, but I cried and begged them not to. They also beat up my companion. It was very demeaning treatment. I was terrified.¹⁶⁸

Arrest Warrants against Activists in the Kurdistan Region of Iraq (KRI)

In June 2021, police in the KRI issued arrest warrants against eleven LGBT rights activists, including three lawyers, two social workers, a driver, and five activists, who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group. The arrest warrants followed a lawsuit against Rasan by Barzan Akram Mantiq, the head of the Department of Non-Governmental Organizations in the KRI, a state body responsible for registering, organizing, and monitoring all nongovernmental organizations in the KRI.¹⁶⁹

Activists implicated in the lawsuit told Human Rights Watch that when their lawyer visited the police station to inquire about the charges, police officers at the station referred to the written lawsuit, which indicated charges under article 401 of Iraq's Penal Code, which punishes "public indecency" with up to 6-months' imprisonment, and/or a fine of up to 50 dinars (US\$0.034).¹⁷⁰

On June 28, two of the activists and the driver said they went to the Sarchnar police station in Sulaymaniyah for interrogation. Police officers at the station inquired about the organization's activities, namely their Facebook page, which contained pro-LGBT statements and images, the activists said. Officers also indicated that the organization's registration expired in 2018. Activists said police officers asked: "If you are registered as a women's rights organization, why do you have LGBT-related content on your website and Facebook page?" Before leaving the police station, police officers made them sign pledges that they would not publish similar content in the future, activists said.¹⁷¹

¹⁶⁸ Human Rights Watch phone interview with Masa, September 17, 2021.

¹⁶⁹ Kurdistan Regional Government, Department of Non-Governmental Organizations, <https://gov.krd/dngo-en/> (accessed November 22, 2021).

¹⁷⁰ Human Rights Watch phone interview with an activist, November 17, 2021.

¹⁷¹ Ibid.

Activists told Human Rights Watch that they were forced to take down LGBT-related content from their public online pages. At time of writing, although none of the activists had been arrested, they were informed that the case was now with the court and was pending investigation.

The arrest warrants violate Iraq’s constitution and its obligations under international law. Article 39 of the Iraqi Constitution provides for the freedom of establishment of any association, organization, or political party,¹⁷² while the International Covenant on Civil and Political Rights (ICCPR), to which Iraq is a state party, prohibits discrimination based on sexual orientation and gender identity in upholding the rights to free expression, assembly, and association.¹⁷³

“They Would Turn Against Me”: Impunity and Reluctance to Report Abuse

The combination of hypervulnerability, loosely defined “morality” clauses, and the absence of anti-discrimination legislation and reliable complaint systems, are formidable barriers that impede LGBT people’s ability and willingness to report abuses they suffer to the police, or file complaints against law enforcement agents, creating an environment in which police and armed groups can abuse them with impunity.

In addition, victims sometimes choose not to file complaints against law enforcement and armed groups due to threats, fear of retaliation, and fear of public exposure of their identities. Most individuals interviewed also lack faith in the criminal justice system to deliver justice, part of a broader problem of trust in public institutions in Iraq.

Access to redress is particularly difficult for members of vulnerable groups. While there are mechanisms in place to file formal complaints, logistical, social, and structural obstacles render the system woefully inadequate to ensure accountability for wrongdoing, especially against LGBT people. All 54 LGBT people interviewed for this report said that they would not report a crime committed against them to the police, either because of previous failed attempts where the complaint was dismissed or no action was taken by police, or because

¹⁷² Iraq’s 2005 Constitution.

¹⁷³ The International Covenant on Civil and Political Rights (ICCPR), G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (accessed February 28, 2022).

they feel that the blame will be redirected at them due to their non-conforming sexual orientations, gender identities, and expressions.

Khadija, a 31-year-old transgender woman from Baghdad, said:

After my attempted killing, I did not resort to any police station or governmental office because I know friends who tried to do that and got raped in return by the guards and the officers and the head of the police station. What law is there in Iraq that could protect us? Our only option is execution.¹⁷⁴

Nasma, an 18-year-old trans woman from Baghdad, said:

I was out in Taifiya neighborhood with my friend in a park and a man stopped us with his car and pulled out a gun at us. He wanted to rape us but we somehow escaped. He was not a police officer, but he said his father was a governmental figure. I immediately called the police 104 hotline and told them someone aimed a gun at me, and they said that there was nothing they could do for me.¹⁷⁵

Sami, a 23-year-old gay man from Najaf, said, “If I ever tell the authorities I was threatened for being queer, they will certainly arrest me. It would be because I am queer, but they would arrest me under different faulty charges.”¹⁷⁶

Ali, an 18-year-old gay man from Karbala, said, “I would never report abuses to security forces. I know they would turn against me. I don’t feel safe reporting back to them.” He added:

I fear that I get too depressed and decide to commit suicide. I wish for safety to express myself. I wish that people would stop the hate speech toward LGBTQ individuals. I wish the government would train police officers

¹⁷⁴ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

¹⁷⁵ Human Rights Watch phone interview with Nasma, June 30, 2021.

¹⁷⁶ Human Rights Watch phone interview with Sami, July 5, 2021.

better, and that if I am stopped anywhere, I am told and allowed to call a lawyer. I wish that they would treat us better at police stations and in the streets.¹⁷⁷

¹⁷⁷ Human Rights Watch phone interview with Ali, July 5, 2021.

VI. Digital Targeting and Online Harassment by Armed Groups

Human Rights Watch documented 42 cases of online targeting by individuals who identified themselves as members of armed groups against LGBT people in Iraq.

“Everyone Wants Me Dead”: Online Death Threats and Offline Consequences

Yasser, a 21-year-old gay man from Baghdad, said he received a death threat on September 15, 2021, on WhatsApp, from individuals who identified themselves as belonging to Asa’ib Ahl al-Haqq. The message, which Human Rights Watch reviewed, said:

Preserve your family and tribe’s honor, and your father’s, [name withheld]. Repent, [Yasser], before Allah from practicing sodomy and faggotry. We know everything about you and your gang. This is your final warning, or we will kill you like we did your friend [name withheld]. We will kill you in the middle of your house so you will become an example for all the weak souls like you. This is a final warning, consider it our last word, we will not spare you or have mercy, and may God be our witness.¹⁷⁸

Yasser spoke to Human Rights Watch about the implications of receiving this threat. He said, “I never leave my house. I’m terrified they [PMF groups] will break into my father’s house and kill me. If my father knows I’m being targeted, he will kill me. I kept this threat to myself, but it haunts me every day.”¹⁷⁹

On October 20, 2021, Yasser attempted suicide by swallowing non-prescribed pills. He was taken to the hospital and survived. “I don’t want to live anymore. What for? Everyone wants me dead,” Yasser told Human Rights Watch.¹⁸⁰

¹⁷⁸ Human Rights Watch phone interview with Yasser, October 5, 2021.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

Karim, an 18-year-old gay man from Najaf, said that in May 2020, several people, including individuals who said they were affiliated with the PMF, circulated pictures of him on social media, which Human Rights Watch reviewed, describing him as a “deviant” who “must be executed, beheaded, and raped” because he “incites homosexuality.”¹⁸¹

Fares, a 23-year-old gay man from Basra, described threats he had received online in May 2020. He said:

I met someone online who introduced himself as a man my age and said that he lived in the same province as me. He asked for my social media accounts, my address, and then sent me photos of myself and my mother that he found on Instagram, along with messages and verses from the Quran. Then he threatened me with death. Another profile with a different photo threatened me by saying, ‘We have our eye on you, we know who you are, who your parents are and where you live—await your punishment.’ I had to leave my house for about five months until I felt it was safe for me to return.¹⁸²

Human Rights Watch reviewed the messages, which accompanied pictures of Fares and his mother with a red “X” marked on their faces, along with pictures of slaughtered men in the street. One message said:

In the name of God. This is a warning. We are the Committee for the Promotion of Virtue and the Prevention of Vice. We warn anyone who spreads homosexuality, which God in his glory has mentioned by saying: ‘In the name of God the merciful, the compassionate, ‘the men who come with desire not for the women will suffer a painful torture,’ God Almighty speaks the truth.’ We know you like men and have desire toward them. We will drag you to meet with them, and we will be obliged to kill you one after another.¹⁸³

¹⁸¹ Human Rights Watch phone interview with Karim, July 2, 2021.

¹⁸² Human Rights Watch phone interview with Fares, September 18, 2021.

¹⁸³ Ibid.

Mariam, a 21-year-old lesbian from Baghdad, said she had received recurring threats from armed groups, most notably Saraya al-Salam, who identified themselves. She told Human Rights Watch:

I have received cyber threats for being a lesbian. Unknown numbers have tried to call me over WhatsApp and Telegram. One of the most severe threats I received left me anxious for a week, it happened through continuous phone calls to my number from various unregistered numbers. In the calls they would tell me my full details, information about my family, my house, my age, my area. The second step would be threatening me with death to get more information out of me. But the minute they would utter these threats, I would block the number, because if I engaged it would incriminate me. They would say, ‘Be wary of where you go, how you dress, and what you post on social media.’ They would also describe in detail what I would be wearing and my entourage. It’s terrifying.¹⁸⁴

Salma, a 20-year-old transgender woman from Mosul, said:

I’m a model and I’ve often received online threats because of that. I often experience these threats via phone and social media. In late 2018, they [armed groups] threatened me with murder, that if I didn’t stop this modeling business, I’ll wind up dead. I left modeling and fled to Erbil.

In September 2020, I received phone threats of kidnapping and murder directly from well-known armed groups in Mosul, because of the way I look and my work. I then received these threats directly to my face, and I was terrified, so I left work and stayed away from everything and everyone.¹⁸⁵

Masa, a 19-year-old transgender woman from Najaf, spoke about the threats she receives online from security officers and armed groups, mainly individuals who identified themselves as belonging to Saraya al-Salam. She said:

¹⁸⁴ Human Rights Watch phone interview with Mariam, July 23, 2021.

¹⁸⁵ Human Rights Watch phone interview with Salma, September 13, 2021.

I used my real photos and real name online, using my profile as a personal journal. I have received threats on various social media platforms from armed groups and high-ranking official army men. They specifically target people like us, to hunt us down and kill us. When I refuse to engage with them, they would tell me that they have weapons they would use against me. This caused me to delete all my accounts. I now live in complete isolation. The threats I received are from people affiliated with Saraya al-Salam. I have heard and knew a lot of people murdered by them.¹⁸⁶

Sami, a 23-year-old gay man from Najaf, advocates for LGBT rights in Iraq through his Instagram account. His work prompted several individuals who identified themselves as members of PMF groups to threaten him through direct messages on the application. He said:

I've received many threats from Saraya al-Salam, and many other groups under the PMF. I knew it was them because they identified themselves in the messages and used their real profiles, often with their photos posing with weapons. They're very scary. They wouldn't send me ordinary death threats but would often send me messages describing, in detail, where they will take me, and how they will rape and torture me, how many men will rape me, and how they'll eventually kill me.¹⁸⁷

Among the threats Sami has received online via voice messages, which Human Rights Watch reviewed, were from individuals claiming to be affiliated with Saraya al-Salam. One message said: "Several individuals will take turns raping you before we kill you."¹⁸⁸

“My Body Felt Like a Snake’s Skin”: Blackmail and “Outing”

Yasser, a 21-year-old gay man from Baghdad, said he was blackmailed in January 2021 by another gay man he met on Facebook. He said:

¹⁸⁶ Human Rights Watch phone interview with Masa, September 17, 2021.

¹⁸⁷ Human Rights Watch phone interview with Sami, July 5, 2021.

¹⁸⁸ Ibid.

He sent me pictures and I'm always scared of pictures. If one picture comes out, I'm dead. He started asking for pictures from me. We started having sex on video. I had no idea he was filming it. After a while, he started asking for money. I don't have anything except the clothes on my back. He started threatening that he will go to my friends, my family, and my mother's Facebook account. I fell apart. My body felt like a snake's skin. I was shaking uncontrollably. I couldn't even pick up my phone. I didn't believe him at first, then he sent me the entire video.¹⁸⁹

Yasser said the man who blackmailed him also outed him to his friend:

He went to one of the people I work out with at the gym, and said, 'Is this your friend?' He sent him a screenshot from the video and said, 'If you focus, you'll win a car.' 'This is your friend, the faggot who gets fucked.' My friend sent me the screenshot. Once I opened it, I felt like I died right then. I knew my father wouldn't let me live. I attempted suicide by swallowing pills, but I survived. He started creating fake accounts and threatening me. I blocked every account.¹⁹⁰

Ammar, a 27-year-old gay man from Najaf, said that in 2019 he was blackmailed on the dating application Grindr by a man who said he belonged to an armed group. He said:

I met a guy on Grindr, and he seemed legitimate. He asked me for my pictures, and I sent him several ones. Immediately after, he started threatening me. He said he will publish my pictures, and he knew everything about me, and asked for US\$1,000. He said if I didn't pay him, he and the armed group he belongs to will find me and kill me. I only blocked him and deleted the app.¹⁹¹

¹⁸⁹ Human Rights Watch phone interview with Yasser, October 5, 2021.

¹⁹⁰ Ibid.

¹⁹¹ Human Rights Watch phone interview with Ammar, September 17, 2021.

“I Lost Everything”: Online Targeting

Salam, a 26-year-old gay man from Baghdad, said:

In early 2021, I met a guy online called Akou who told me he was a cab driver in Sulaymaniyah. He insisted on meeting me, but I did not accept because I had felt that something was off. Then I met someone else online and it was a totally different energy with him. We talked a lot before he asked to meet me. We agreed he'd pick me up next to my house and it turned out to be that first guy, Akou. He told me he worked with the Asayish, and he showed me his badge and a gun he had in the back seat. I started shaking. He took me to a very secluded area near Mount Azmar. He started shouting and angrily asking me why I did not accept to see him, until he finally hit me with his hand.¹⁹²

Salam added that the alleged police officer tried to sexually abuse him, but he stopped when he felt a wound around his anus. Salam told Human Rights Watch that the wound was due to a surgery he had undergone after a group of men gang raped him in an apartment in 2018. “I was in excruciating pain all through 2019, and I still feel pain in my anus,” he said. The alleged officer forced Salam, at gunpoint, to take him to his residence, he said. “He wanted to know where I lived. He said he knew my area very well and that he had all our conversations and my photos. He said he'd call me later. I would prefer to be beaten a thousand times than to experience the state of anxiety that he imposed on me.”¹⁹³

As evident from the accounts of those interviewed by Human Rights Watch, the offline consequences of digital targeting are long-lasting. Salam said he had to change his residence, delete all his social media accounts, and change his phone number, for fear that he would be blackmailed by the suspected police officer.¹⁹⁴

In July 2021, Salam said he met a man online who tricked him. He told Human Rights Watch:

¹⁹² Human Rights Watch phone interview with Salam, October 27, 2021.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

I needed to see someone, and our conversations [on Telegram after meeting on Grindr] were nice, so I was ready to meet up. We kept meeting at the house, and he used to ask me very detailed questions, about my family, my mother's work, and my past. I foolishly told him everything. He wanted to have sex with me, and I refused, I did not want to before I was in a committed relationship. He was a very big guy and he used force on me to coerce me into sex. Because I was very triggered, I started screaming and he got very scared, then he packed his stuff and left.¹⁹⁵

Two days later, Salam said, he was contacted by a man on Telegram who said he belonged to Asa'ib Ahl al-Haqq. The man told Salam that he knew everything about him, his mother, and his work, and demanded that he meet him at Majidi Mall in Erbil, or he would expose him, he said:

I met two men at Majidi Mall. They said they wanted US\$30,000, and that they knew I had the amount. I was tongue-tied. I said, 'If I were to give you the money, how will I be certain you won't threaten me again?' They responded that I had 2-3 days to get the money, despite my constant pleading. The threat was that they'd expose everything about me. I was horrified. I knew someone in Baghdad who loaned money with interest. I had US\$20,000, and I asked for US\$10,000, and I needed to give back US\$13,000 in three months. I took the money and gave it to them. I was left completely broke, and I moved to Baghdad to do whatever I could, including bank loans, to pay back the money I had borrowed. I lost everything.¹⁹⁶

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

VII. “I Just Want to Live”: Domestic Violence

I just want to wake up to no screaming. I want to sleep. I want to breathe a full breath without being beaten. I don't want to wake up to sticks raining on my body. I used to want a relationship with a man who loves me for who I am. I don't want that anymore. I just want to live. I want to continue my education. I want to read books. I want to write. My only wish is to learn.

—Yasser, 21-year-old Iraqi gay man, October 5, 2021

Forty out of the fifty-four LGBT people interviewed by Human Rights Watch reported experiencing extreme violence by family members, almost always male, at least once for their sexual orientation or gender identity and expression, including being locked in a room for extended periods,¹⁹⁷ being denied food and water,¹⁹⁸ being burnt,¹⁹⁹ beaten,²⁰⁰ raped,²⁰¹ electrocuted,²⁰² attacked at gunpoint,²⁰³ subjected to conversion practices and forced hormone therapy,²⁰⁴ subjected to forced marriages,²⁰⁵ and forced to work for long hours without compensation.²⁰⁶

In 21 cases documented in this report, individuals were placed under house arrest, prohibited from leaving their homes, by their parents.

¹⁹⁷For example, Mariam, a 21-year-old lesbian, said her father locked her in the house for an extended period after she refused to marry. Human Rights Watch phone interview with Mariam, July 23, 2021.

¹⁹⁸For example, Yasser, a 21-year-old gay man, said his father does not allow him to eat anything except leftovers from others' plates. Human Rights Watch phone interview with Yasser, October 5, 2021.

¹⁹⁹For example, Malaka, a 26-year-old transgender woman, said her father burned her as a form of torture. Human Rights Watch video interview with Malaka, June 15, 2021.

²⁰⁰ For example, Yasser, a 21-year-old gay man, said his father beats him severely and repeatedly every day, and had broken both his knees. Human Rights Watch phone interview with Yasser, October 5, 2021.

²⁰¹ For example, Mariam, a 21-year-old lesbian, said her cousin raped her and then tried to marry her. Human Rights Watch phone interview with Mariam, July 23, 2021.

²⁰² For example, a video Human Rights Watch reviewed showed a father who tied his son to an electric chair and beat him.

²⁰³ For example, Ali, an 18-year-old gay man, said his father attacked him at gunpoint after he was arrested. Human Rights Watch phone interview with Ali, July 5, 2021.

²⁰⁴ For example, Khadija, a 31-year-old transgender woman, said her mother took her to doctors to change her gender identity. Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

²⁰⁵ For example, Dani, an 18-year-old transgender man, said his parents forced him to marry three times. Human Rights Watch phone interview with Dani, July 5, 2021.

²⁰⁶ For example, Yasser, a 21-year-old gay man, said his father forces him to work in his laundromat for 16 hours a day, in a room underground filled with electric wires. Human Rights Watch interview with Yasser, October 5, 2021.

In The Name of “Honor”

The penal code continues to permit husbands to discipline their wives and parents to discipline their children and allows “honor” as a lawful excuse to mitigate sentences in crimes alleging violence against women and family members (see section on legal context). In Iraq, female “moral” behavior as well as all individuals strictly adhering to prescribed gender norms, is deemed paramount for upholding the “honor” of their families and communities, and the expectation of male family members is to prevent and purge any transgressions of “honor” through violence. Such laws facilitate violence against women and family members.

On September 23, 2021, a horrific video of a father physically abusing his child, whom he allegedly caught having sex with a man, went viral on social media across Iraq. The child is seen in the video tied to a chain extending to the window, and he has an electric cord in his hand. His face is covered in blood, and he is begging his father to kill him. The father is heard in the video saying, “You want to get fucked? This is what happens when you get fucked.” Then he addresses his child by saying, “You will die.”

The video surfaced in the afternoon and was shared thousands of times, igniting a social media frenzy and public demands to arrest the perpetrator, whose address was circulated, supposedly in Basra. There was news that the child was taken to Basra Public Hospital and that the community police were searching for the father.

On September 23, 2021, Human Rights Watch contacted the community police department in Baghdad via telephone, who denied that the location had been identified, and said the child at the hospital was not the child in the video, and that the perpetrator remained on the loose. The police department made a statement on Facebook the same day.²⁰⁷

Human Rights Watch verified the authenticity of the video by conducting a reverse image search of stills from the video, comparing events in the video with witness statements and listening to the accents and dialects heard in the video. Human Rights Watch did not find the video posted online before September 23, 2021 and found that the video showed the same scenes later described by a witness to the aftermath of the events, and that the accents and dialects heard were consistent with Iraqi local accents.

²⁰⁷ الشرطة المجتمعية العراقية 2021, Facebook video, September 23, 2021, https://www.facebook.com/watch/?v=535410581084041&extid=NS-UNK-UNK-UNK-IOS_GKoT-GK1C&ref=sharing (accessed September 23, 2021).

Prime Minister Mustafa al-Kadhimi made a statement on September 24 calling for the “implementation of legal measures, and the detention of the citizen who appeared in a video clip that spread on social media, while he was practicing violence against his son.” He also directed the competent authorities to “take care of the child and ensure his safety and care, until the end of legal procedures against his father, the perpetrator of the crime.”²⁰⁸

On September 25, 2021, an eyewitness confirmed to Human Rights Watch that the child was found in the basement of his home by the Directorate of Intelligence and Counterterrorism in Basra. The witness also confirmed that the same officers arrested the father and transferred the child, who survived, to Basra Public Hospital.²⁰⁹

Yasser, a 21-year-old Iraqi gay man, told Human Rights Watch that his father and uncle have weapons stored at their apartment, with which they had previously threatened Yasser. He added:

My father beats me severely and repeatedly every day. In July 2021, he broke both my knees while beating me with a baton, after he found out that I was chatting with a gay man online. He brought the Quran and a piece of paper that said I am not allowed to talk to any gay people and made me swear on it.²¹⁰

According to Yasser, his father forces him to work at a family-owned laundromat for 16 hours per day in an electric room underground, which Yasser called “a dungeon.” “There is no light, no windows, and no ventilation in the room, which is filled with electric wires,” Yasser said. Yasser has a 13-year-old sister who he said is forbidden from speaking to him because he is gay. She calls him “a monster,” he said.²¹¹

Yasser said his father humiliates, beats, and mocks him in front of others, and has encouraged his teachers and relatives to do the same. He locks him in the house, and he is not allowed to leave without his father or a family member. His father does not allow

²⁰⁸ Tweet, Yehia Rasool, Twitter, September 24, 2021, <https://twitter.com/IraqiSpoxMOD/status/1441308772786335755> (accessed September 24, 2021).

²⁰⁹ Human Rights Watch phone interview with eyewitness, September 25, 2021.

²¹⁰ Human Rights Watch phone interview with Yasser, October 5, 2021.

²¹¹ Ibid.

Yasser to eat until everyone has finished eating, he said. He gives him leftovers from others' plates and had previously thrown food in the garbage and told Yasser to fetch it as a meal, he said. Yasser added that his room does not have any light, and his father forces him to sleep when the sun sets. He said he used to sit by the refrigerator door at night to use the light for reading, which his father forbids him from doing. "If he calls me and my phone is busy, I have to send him a screenshot and tell him who I'm speaking to."²¹²

Mariam, a 21-year-old lesbian from Baghdad, whose family is affiliated with the PMF group Asa'ib Ahl al-Haqq, said:

My cousin beat my face up and put out a cigarette in my arm as a form of torture, and he beat my back with an iron rod. My father threatened to kill me while holding the Quran and held a gun in his second hand. 'Grow out your hair!', 'I will burn your girlfriends' faces if they ever show their faces around here,' he'd say. They also took my phone. The same cousin also raped me when I was 11, but none of my family members except my siblings know and I don't plan on telling them. They also wanted to marry me off to my rapist and my siblings fought against that.²¹³

Malaka, a 26-year-old transgender woman from Baghdad, said:

My family is part of a tribe, and my dad is a sort of tribal leader. I'm the oldest, his oldest 'son.' He tortured me, burned me, electrocuted me, locked me in a room for three months. My father told me every day, 'May God take you and rid me of your life, I don't want you.' He locked me in the room and beat me every day and said, 'If it turns out that you have been fucked, we will slaughter you.' I used to pee on myself because they didn't let me go to the bathroom. When they became sure I was transgender, my uncle told my mom that he will end my life to wash his honor, because if the tribe finds out, they will kill him. Out of fear, my mother unlocked the

²¹² Ibid.

²¹³ Human Rights Watch phone interview with Mariam, July 23, 2021.

door and told me to run for my life and never come back. I ran like a maniac, barefoot in the street.²¹⁴

Ali, an 18-year-old gay man from Karbala, told Human Rights Watch that after he was arrested by security forces in 2020 due to his appearance, his father retaliated against him. He said:

My father aimed a gun at me. He beat me up with an iron rod and locked me in my room. My father was in the army as well, so he shares similar thinking with the officers who arrested me—he even thanked them at the police station. He is a violent person. I’m constantly looking to be away from him.²¹⁵

Khadija, a 31-year-old transgender woman from Baghdad who survived a murder attempt, said:

In 2021, I lived with my aunt, but she hated me. She asked me for rent and in-house labor like cleaning, cooking, baking, and sewing. I used to start sewing at 6 a.m. I even suffered harassment and beatings from her kids. I used to tolerate all that not to wind up in the streets.²¹⁶

Sexual Orientation and Gender Identity Conversion Practices

Conversion practices stem from the belief that sexual orientations and gender identities that differ from a heterosexual, cisgender norm can and should be changed. Conversion practices intended to alter a person’s sexual orientation or gender identity (SOGI) are widespread, harmful, and discriminatory. Such practices may purport to change deeply felt identities or desires, or to shape actions (sexual practices/behaviors or gender expression, as opposed to sexual orientation or gender identity).

²¹⁴ Human Rights Watch video interview with Malaka, June 15, 2021.

²¹⁵ Human Rights Watch phone interview with Ali, July 5, 2021.

²¹⁶ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021, via the application Zoom.

Conversion practices can pose serious risks to the mental and physical health of those subjected to them, including “depression, suicidal ideation, anxiety, substance abuse, impotence and sexual dysfunction, nightmares, gastric distress, dehydration, social isolation, deterioration of relationships with friends and family, and an increase in high-risk sexual behaviors.”²¹⁷

Fourteen of those interviewed said their parents subjected them to conversion practices to “correct” their sexual orientation or gender identity. Khadija, a 31-year-old transgender woman from Baghdad, said:

My mother was a cold woman, and violent toward me. She tried to kill me several times. My sisters used to protect me. My mother thought I was mentally ill and took me to an asylum when I was a teenager, even though I wasn’t mentally ill, and the doctors confirmed that. She took me to some doctors who gave me androgens to give me ‘male’ characteristics and for my hair to grow and my voice to become hoarser. These doctors also used electric shock treatment on me and gave me medication that damaged my kidneys and turned my skin yellow. My mother hated me, she thought I was an aberration that brought them shame and dishonor.²¹⁸

Dani, an 18-year-old transgender man from Najaf, said his parents have subjected him to conversion practices since 2017. “They took me to doctors to ‘fix my boyish tendencies.’ The ‘treatment’ did not work, but they never stopped trying.”²¹⁹

Salam, a 26-year-old gay man, said his parents took him to a Sheikh [religious figure] to cure him from his ‘gay possession.’ “I still have nightmares to this day,” he said.²²⁰

²¹⁷ American Psychological Association, “APA Resolution on Gender Identity Change Efforts,” February 2021, <https://www.apa.org/about/policy/resolution-gender-identity-change-efforts.pdf> (accessed March 1, 2022); American Medical Association and Health Professionals Advancing LGBTQ Equality, Issue Brief, “LGBTQ change efforts (so-called ‘conversion therapy,)” 2019, <https://www.ama-assn.org/system/files/2019-12/conversion-therapy-issue-brief.pdf> (accessed June 27, 2021); OutRight Action International, “Harmful Treatment: The Reach of So-Called Conversion Therapy,” 2019, https://outrightinternational.org/sites/default/files/ConversionFINAL_Web_o.pdf (accessed June 27, 2021), p. 62.

²¹⁸ Human Rights Watch and IraQueer video interview with Khadija, August 5, 2021.

²¹⁹ Human Rights Watch phone interview with Dani, July 5, 2021.

²²⁰ Human Rights Watch phone interview with Salam, October 28, 2021.

Adala, an 18-year-old transgender woman, told Human Rights Watch that her parents have subjected her to forced hormone treatment since 2016, until the time of writing in 2021.²²¹

Razan, a 41-year-old transgender woman from Basra, said, “My parents used to take me to a psychiatrist when I was younger because they thought I had a mental illness. Even a doctor in Basra told my parents once that I did not suffer from a mental illness and that it was a hormonal imbalance, but they kept torturing me with their insistence.”²²²

When Yasser, a 21-year-old gay man from Baghdad, was seven, his cousin raped him, he said. When his cousin penetrated him, Yasser screamed, and his mother walked into the room and saw him. Yasser’s father, a psychologist by training, took him to a lab to get his hormone levels tested, then began administering testosterone without Yasser’s knowledge, he told Human Rights Watch.²²³

Conversion practices present a particular risk of harm when directed towards children. Under the Convention on the Rights of the Child, all children have the right “to the enjoyment of the highest attainable standard of health,” and this right applies “irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status.”²²⁴ States must “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children”²²⁵ and must protect children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.”²²⁶

Coercive treatment and hospitalization against an individual’s will violates their fundamental rights, including the basic right to dignity and freedom from torture and other ill-treatment, in violation of international law including the International Covenant on Civil

²²¹ Human Rights Watch phone interview with Adala, July 20, 2021.

²²² Human Rights Watch phone and IraQueer phone interview with Razan, October 19, 2021.

²²³ Human Rights Watch phone interview with Yasser, October 5, 2021.

²²⁴ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 2., <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (accessed October 20, 2021).

²²⁵ CRC, art. 24.

²²⁶ CRC, art. 19.

and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.²²⁷ It is also in violation of the principle of free and informed consent. The Special Rapporteur on the right to health expressed that informed consent is “a core element of the right to health, both as a freedom and an integral part of its enjoyment” and called on states to not permit substitute decision-makers to provide consent.²²⁸

Forced Marriage

Six LGBT people whom Human Rights Watch interviewed spoke about their families forcing them to enter heterosexual marriages. Child and forced marriage are both human rights violations.²²⁹ Iraq’s Personal Status Law sets the minimum age of marriage at 18 but allows those who reach 15 to marry with a judge’s approval.²³⁰ The law criminalizes forced marriage, and individuals subject to coercion may report it to the investigative authorities. In cases where it is an immediate family member who has coerced them, the family member may face punishment of up to three years imprisonment, otherwise up to ten years imprisonment.²³¹ However, coerced marriages can only be considered null and void if the marriage was not consummated.²³² LGBT individuals who are coerced into marriages fear reporting their families of such crimes because the authorities may not support them, or they may be subject to further punishment by the authorities.

Ahmed, a 26-year-old gay man from Basra, said when his parents suspected he was gay, when he was 15, they forced him to marry a girl, with whom he now has six children due to family pressure.²³³

²²⁷ ICCPR.

²²⁸ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/22/53, February 1, 2013, https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf (accessed February 1, 2022).

²²⁹ Global Justice Center, “Iraq’s Criminal Laws Preclude Justice for Women and Girls,” March 2018, <https://globaljusticecenter.net/files/IraqiLawAnalysis.4.6.2018.pdf> (accessed February 1, 2022).

²³⁰ Iraq Personal Status Law no. 188 of 1959, December 30, 1959, as amended under Law no. 57 of 1980, arts. 7 and 8, <https://www.refworld.org/docid/5c7664947.html> (accessed July 24, 2021).

²³¹ Iraq Personal Status Law, art.9.

²³² Ibid.

²³³ Human Rights Watch phone interview with Ahmed, September 19, 2021.

Dani, an 18-year-old transgender man from Najaf, said his father forced him to get engaged three times to different men: “It never worked, I do not know why he [my father] kept trying.”²³⁴

Joumana, a 35-year-old transgender woman from Basra, said:

My parents made all the choices for me, from my haircut to my dress to how I live my life. They forced me to get married in Samawah [a city in Muthana governorate, between Baghdad and Basra] to a woman I did not know. We then spent years in courts and lawsuits because she wanted a divorce, but the families wouldn’t approve it. Neither of us were comfortable with the marriage. They [my family] made sure I knew that the fate in Iraq for people like me is death.²³⁵

In December 2019, Mariam, a 21-year-old lesbian from Baghdad, refused her parents’ attempt to marry her to her cousin, she said. As a result, her father took her electronic devices, all her savings, and passport. After her cousin “outed” Mariam to her family as a lesbian, her father forbade her from using the internet and leaving the house and forced her to discontinue her education for almost a year, she told Human Rights Watch.²³⁶

Nadira, a 27-year-old lesbian from Hilla, said she is currently engaged against her will to a man. Her parents doubted her sexual orientation and forced her to marry.²³⁷

²³⁴ Human Rights Watch phone interview with Dani, July 5, 2021.

²³⁵ Human Rights Watch phone interview with Joumana, August 7, 2021.

²³⁶ Human Rights Watch phone interview with Mariam, July 23, 2021.

²³⁷ Human Rights Watch and IraQueer phone interview with Nadira, August 5, 2021.

VIII. Effects of Stigma and Targeting

Each of the LGBT people whom Human Rights Watch interviewed reported experiencing harassment in the streets, ranging from verbal insults to being attacked at gunpoint. Their lack of access to protective mechanisms, including legislation protecting against discrimination and reliable complaint systems, limits LGBT people's mobility to a debilitating extent, and deters them from seeking redress for abuses committed against them.

All but one of the fifty-four LGBT people interviewed by Human Rights Watch said they practice extreme self-censorship to survive interactions with security forces and potential targeting by armed groups. The LGBT people who spoke to Human Rights Watch who could not or did not wish to conceal their identities described a form of self-imposed house arrest, by which they refrained from leaving their homes at all, due to fear of harassment and the possibility of being stopped at checkpoints or targeted by armed groups.

Sixteen LGBT people interviewed by Human Rights Watch said they attempted suicide at least once because their lives became unlivable.

“I Fear They Will Find Me”: Self-Imposed Lockdown and Censorship

Forty-four of those interviewed by Human Rights Watch said they are afraid to leave their homes due to stigma and the possibility of being targeted by armed groups and security forces in Iraq.

Sami, a 23-year-old gay man from Najaf, said he is afraid to leave his home because he had been targeted by armed groups online. Sami said that since receiving the threats, he never leaves his home and feels terrified whenever someone knocks on his door or if a car stops in front of him suddenly. “I fear they have come to kill me,” he said.²³⁸

Alaa, a 23-year-old bisexual man from Baghdad, said:

²³⁸ Human Rights Watch phone interview with Sami, July 2, 2021.

I shared some posts in 2020 saying that there should be a thoughtful way to deal with gender difference and that LGBT people should not be killed. That was when the threats started coming. I fear they [perpetrators] will find me. I never go out.²³⁹

Alaa said he survived a killing attempt in 2012 when unknown men in a tinted car without a license plate shot at him while he was in a cab. He received a threat in 2020 that sent him into a spiral of anxiety, he added:

My uncle died two years ago, and I got a message in 2020 saying that if I were to visit Baghdad I would end up like my uncle. I told my mother [who is separated from his father] about this incident and the attempted murder as well. At that time, I had the pride flag in my Instagram bio, and received unwarranted bullying and hate speech because of it. My mother asked me why I received these threats and I told her it was because of my sexual orientation. We fought and she told me I was a homosexual and an infidel, and I shouted at her briefly, then realized what I was doing and went to the kitchen, grabbed a knife to stab myself. I realized how much these experiences had affected me, and I went to intensive psychiatric care to calm down.²⁴⁰

Nadira, a 27-year-old lesbian from Hilla, said:

I wish I could form a family in Iraq, but I cannot. I must censor myself to survive. I do not act the way I feel, I cannot date, I do not dress the way I want to. I cannot express myself or my love. If I only post something online about supporting LGBT rights, I get attacked. If I declare my sexual orientation, I will be killed.²⁴¹

²³⁹ Human Rights Watch phone interview with Alaa, September 17, 2021.

²⁴⁰ Ibid.

²⁴¹ Human Rights Watch and IraQueer phone interview with Nadira, August 5, 2021.

“A Life of Seclusion”: Street Attacks by Private Individuals

Salim, a 20-year-old gay man from Baghdad, said he was stabbed in the stomach by private individuals in the street in late 2019. He said:

During the protests in 2019, I was walking alone next to Al Mathaq restaurant in Baghdad, and someone shouted, ‘Look at this faggot,’ and I kept walking. He said it again and I got beaten up. I was beaten on my head and bled for almost six hours. They stabbed me in my stomach and left me in the street. I called my friend whom I was supposed to meet at the square that day and told him that I got stabbed, without telling him it was because I was gay. My friend came and took me to Shaikh Zayed Hospital. They did not accept to admit me at first, but eventually my friend convinced them.²⁴²

Ahsan, a 19-year-old gay man from Baghdad, said:

In November 2020, I was in Zahra Park, and I was wearing a buttoned-down shirt and someone not in a uniform told me that I need to button up my shirt. I think he was the park’s security officer. I told him, ‘Do you want to see my underwear too?’ He took me to a caravan next to the check point [at the entrance of the park], closed the door behind him then verbally and sexually assaulted me. I started crying and he noticed it and let me out. He later asked for my number. This experience truly marked me. I started thinking about ways to change myself, to be more gender conforming, and I deleted my accounts on social media and retreated to a life of seclusion.²⁴³

²⁴² Human Rights Watch phone interview with Salim, June 18, 2021.

²⁴³ Human Rights Watch phone interview with Ahsan, July 5, 2021.

IX. Iraq's International Law Obligations

The government of Iraq has obligations under international human rights law. The Iraqi authorities' failure to take decisive action against human rights abuses within their institutions and security forces violates international legal obligations, which require governments to end impunity for serious human rights violations by undertaking prompt, thorough, and impartial investigations of alleged human rights violations, ensuring that those responsible for serious crimes such as those affecting the right to life and freedom from arbitrary detention are prosecuted, tried, and duly punished.²⁴⁴

International treaties that Iraq is party to obligate the government to deter and prevent gross violations of human rights, and to investigate, prosecute, and remedy abuses.²⁴⁵ This also entails addressing the victim's rights to justice, knowledge, and reparations.²⁴⁶

Most notable among Iraq's treaty obligations are those laid out by the International Covenant on Civil and Political Rights (ICCPR), which Iraq ratified in 1971. The ICCPR's protections place a mandate for action upon Iraqi authorities, including officials who bear responsibility for enforcing security and the law in Iraq.²⁴⁷

The Right to Life and Security

Article 6 (1) of the ICCPR affirms that "Every human being has the inherent right to life," which should be protected by law.²⁴⁸ Article 9 of the ICCPR also asserts that "Everyone has the right to liberty and security of person."²⁴⁹ Similarly, the Arab Charter on Human Rights, adopted in 1994 by the Council of the League of Arab States, of which Iraq is a member, states in article 5 that "Every individual has the right to life, liberty and security of person.

²⁴⁴ UN Commission on Human Rights, "Report of the independent expert to update the set of principles to combat impunity," E/CN.4/2005/102/Add.1, February 8, 2005, <https://www.refworld.org/docid/42d66e7ao.html> (accessed February 28, 2022).

²⁴⁵ ICCPR.

²⁴⁶ UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15, <https://www.refworld.org/docid/478b26ae2.html> (accessed February 28, 2022).

²⁴⁷ ICCPR.

²⁴⁸ ICCPR, art. 6(1).

²⁴⁹ ICCPR, art. 9.

These rights shall be protected by law.”²⁵⁰ These rights to life and to security place an obligation on the Iraqi authorities not to ignore known threats to the life of people within their jurisdiction, and to take reasonable and appropriate measures to protect them. It mandates them to act where there are clear and identifiable threats against individuals or groups. It also requires state authorities to speedily and effectively investigate crimes that amount to threats to life, and identify and prosecute the perpetrators.

The UN Human Rights Committee, which interprets the ICCPR and monitors countries’ compliance with it, has repeatedly found states in violation of their obligations under article 9 if they have failed to take adequate steps to protect people in the face of repeated death threats. The committee has also criticized states’ failure to protect people from violence based on sexual orientation or gender identity.²⁵¹

Protection against Torture and Inhuman and Degrading Treatment

The ICCPR prohibits any form of torture and inhuman treatment, in its articles 7 and 10.²⁵² Iraq is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). The Arab Charter on Human Rights also affirms that “The States parties shall protect every person in their territory from being subjected to physical or mental torture or cruel, inhuman or degrading treatment. They shall take effective measures to prevent such acts and shall regard the practice thereof or participation therein, as a punishable offence.”²⁵³

The ICCPR and the Convention against Torture detail what states must do to enforce the prohibition, including the duty to investigate, prosecute, and provide effective remedies when violations occur.²⁵⁴ The UN Human Rights Committee has also made clear that the duty to protect people against inhuman treatment extends not only to acts by government

²⁵⁰ Arab Charter on Human Rights, 2004, adopted September 15, 1994, art. 5 entered into force March 16, 2008, http://www.eods.eu/library/LAS_Arab%20Charter%20on%20Human%20Rights_2004_EN.pdf (accessed July 3, 2021).

²⁵¹ UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 15 (Rev.1), Civil and Political Rights: The Human Rights Committee, May 2005, No. 15 (Rev.1), <https://www.ohchr.org/documents/publications/factsheet15rev.1en.pdf> (accessed February 28, 2022).

²⁵² ICCPR, arts. 7 and 10.

²⁵³ Arab Charter on Human Rights, art. 13.

²⁵⁴ ICCPR.

officials, but also to acts inflicted by people in a private capacity including violence committed by non-state actors such as armed groups and by family members (domestic violence).²⁵⁵

Non-Discrimination and Fundamental Rights

Article 2 of the ICCPR requires a state party to “ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind.”²⁵⁶ Article 26 guarantees that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.” The UN Human Rights Committee has made clear on several occasions that sexual orientation is a status protected against discrimination under these provisions. Unequal protection against violence, and unequal access to justice, are prohibited under international law.²⁵⁷

The ICCPR affirms the right to privacy (article 17), the freedom of expression (article 19), and the freedom of assembly (article 21).²⁵⁸ These rights entail the freedom to lead an intimate life peacefully, the freedom to express oneself, and the freedom to move and meet in public without fear of harassment or assault.²⁵⁹ Persecution of people for exercising those freedoms must be prevented where possible and punished where it occurs.²⁶⁰

The Yogyakarta Principles (YP) on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity, a set of principles used to interpret international human rights law with respect to sexual orientation and gender identity, adopted in 2006, specifically calls on states to ensure all human rights without

²⁵⁵ UN Committee against Torture (CAT), General Comment No. 2, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. CAT/C/GC/2 (2008), <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhskvE%2BTuw1mw%2FKU18dCyrYrZhDDP8yaSRI%2Fv43pYTgmQ5n7dAGFdDalfzYJnWNYOXxeLRAIVgbwcSm2ZXH%2BcD%2B%2F6ITopc7BkgqlATQUZPVhi> (accessed February 1, 2022).

²⁵⁶ ICCPR, art. 2.

²⁵⁷ UN Human Rights Committee, General Comment 20, art. 7 Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994) (accessed July 3, 2021).

²⁵⁸ ICCPR, arts. 17, 19, 21.

²⁵⁹ *Ibid.*

²⁶⁰ *Ibid.*

discrimination on the basis of sexual orientation or gender identity.²⁶¹ The Yogyakarta Principles plus 10 (YP+10) expand the interpretation of state obligations to ensure the right to legal recognition (Principle 31), and the right to freedom from criminalization and sanction (Principle 33).²⁶² The YP and the YP+10 call on states to amend domestic legislation accordingly, including by targeting public and private acts of discrimination.²⁶³

²⁶¹ International Commission of Jurists (ICJ), The Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf (accessed October 1, 2021).

²⁶² International Commission of Jurists (ICJ), The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, November 2017, http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf (accessed October 1, 2021).

²⁶³ Ibid.

X. Recommendations

To the Popular Mobilization Forces (PMF or Hashad al-Shaabi)—including Asa’ib Ahl al-Haqq, Atabat, Kata’ib Hezbollah, Raba Allah, and Saraya al-Salam (previously the Mahdi Army)—and to the Asayish (Kurdistan Regional Government’s Security Forces)

- Stop all attacks against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct, and publicly condemn such acts of violence.

To Iraqi Federal and Kurdistan Regional Authorities

- Investigate all reports of armed group or other violence against people targeted because of their actual or perceived sexual orientation and gender identity or expression and appropriately punish those found responsible.
- Fully investigate and prosecute killings and torture and other ill-treatment of people targeted because of their gender non-conformity and presumed sexual orientation and hold perpetrators accountable.
- Investigate security forces’ complicity in violence against people based on their sexual orientation or gender identity and expression. Where possible, engage directly with armed forces to stop the violence.
- Publicly condemn all such violence.
- Establish protection mechanisms for victims of violence and train security forces in human rights including based on sexual orientation and gender identity and expression.
- Investigate all claims of abuse by police or security forces, including abuses against people due to their actual or perceived sexual orientation or gender identity and expression and appropriately punish those found responsible.
- Investigate and prosecute all Interior Ministry officials involved in unlawful acts, including torture, assault, and extortion.
- Take all appropriate measures to end torture and other ill-treatment, disappearances, summary killings, and other abuses based on sexual orientation and gender expression and identity, and compensate all families of victims of unlawful killings and survivors of serious abuse.

- Ensure that no victim of a crime is denied assistance, arrested, or harassed on the basis of their sexual orientation or gender identity, and safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest.
- Adopt a broader definition of rape in the penal code, extending beyond the narrow use of the words “sexual intercourse” and “consent,” that is in line with international standards and the one used in International Criminal Law which includes the various forms and types of penetration, and accounting for the full array of acts that amount to rape.
- Clearly set the minimum age for marriage to 18 for boys and girls, removing exceptions that allow for marriages under 18. Ensure that people subject to forced marriages can still seek an annulment even after the marriage has been consummated.
- Refrain from reinforcing narratives that LGBT people can and should change their sexual orientation or gender identity, and publicly condemn such narratives.
- Take action against individuals making statements that incite or threaten violence against LGBT persons whether online or offline.
- Undertake public campaigns to end stigma against LGBT people and work with ministries, institutions, and civil society to raise awareness about respecting diversity in gender norms and diversity in families.
- Ensure that schools provide age-appropriate comprehensive sexuality education at all grade levels and that such education affirms sexual and gender diversity. Fund training of teachers and administrators to ensure they are equipped to provide comprehensive sexuality education.

To the Government of Iraq and Kurdistan Regional Government Legislative Authorities

- Take the necessary steps to enact a comprehensive domestic violence law by urgently revising the draft to ensure that it meets international standards and then passing it without delay.
- Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of sex, gender, gender identity and sexual orientation and includes effective measures to identify and address such discrimination.
- Repeal article 41(1) which gives a husband a legal right to “punish” his wife, and parents to discipline their children “within limits prescribed by law or custom.”

- Repeal articles 128 and 409 of the Iraqi Penal Code, which identifies “The commission of an offence with honorable motives” as a “mitigating excuse,” and provides a reduced sentence for individuals who kill or assault their wives if they catch them in the act of adultery or if they catch their female relative engaging in sex outside of marriage.
- Repeal article 398 of the penal code which allows perpetrators of rape or sexual assault to escape prosecution or have their sentences quashed if they marry their victim.
- Examine vague articles of the penal code, including paragraphs 200(2), 401, 402, 501, and 502, that could justify arbitrary arrest or harassment of people due to their actual or perceived sexual orientation or gender expression and identity, or could be used to prevent civil society from addressing taboo or stigmatized issues; repeal or modify them, or otherwise ensure that they are not applied in an arbitrary or discriminatory manner contrary to international human rights law.

To the Iraqi Ministry of Interior

- Ensure that security forces respect the rights and identities of LGBT people at checkpoints and police stations, and refrain from harassing them based on their sexual orientation and gender identity or expression.
- Ensure that detainees, including LGBT people, are aware of the existing complaints mechanisms, that complaints are handled confidentially and swiftly, following a clear procedure, and that detainees can submit complaints without fear of reprisals.
- Ensure that security officials stop requiring people to sign pledges that claim officials did not abuse them during arrest or detention, and ensure the public are aware that these pledges are not valid and will not be held against people who wish to file complaints.
- Prosecute security officials who violate laws related to surveillance, arbitrary searches, and unlawful invasion of privacy.
- Prohibit security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations.
- Ensure that groups can organize around LGBT rights without official interference and intimidation.

To the United Nations Assistance Mission for Iraq (UNAMI)

- Assist with legal reform in Iraq in accordance with all international human rights standards, including those relating to sexual orientation and gender identity.

To the UN High Commissioner for Refugees (UNHCR)

- Recognizing the findings of the 2019 Report in collaboration with the United Nations Assistance Mission to Iraq (UNAMI) on persecution based on sexual orientation or gender identity, and the cases of abuse against Iraqi LGBT people documented in this report, create legal and safe pathways for resettlement from within Iraq particularly as LGBT refugees often face intolerance and heightened risk in countries of first asylum.

To Iraqi Refugee Host Nations

- Recognizing that LGBT Iraqi asylum seekers are in situations of danger and face severe social prejudice in all surrounding countries, provide rapid and where necessary accelerated resettlement in third countries.
- Ensure that no Iraqi refugees are subject to refoulement, either at the border (by refusing to grant access) or after entering the host country.
- Secure rapid resettlement of those refugees in countries outside the region, with the active cooperation of countries of first asylum and resettlement countries.

To Donor States and Agencies Supporting Civil Society and State Reforms in Iraq, including Australia, Belgium, Canada, Denmark, France, Germany, Netherlands, New Zealand, Sweden, the European Union, the United Kingdom, and the United States

- Assist the government of Iraq wherever possible in investigating armed group or other violence against people targeted because of their sexual orientation or gender identity and expression.
- Assist the Iraqi government with vetting and training police; ensure that all training programs contain a human rights component and that human rights standards

relating to privacy, protection against torture, and other relevant issues are explicitly treated as containing no exceptions for sexual orientation and gender expression and identity.

- Monitor and assist the performance of criminal justice, police, security, and counterterrorism institutions and personnel in Iraq to ensure full compliance with international human rights standards.
- Provide support for emergency temporary shelters for LGBT people across Iraq, including for those escaping domestic violence.
- Fund LGBT-led initiatives and civil society projects that focus on service provisions for LGBT people.
- Fund activities and programs that support the state in creating jobs and providing social support to families.
- Audit funding and technical assistance to Iraqi security forces to ensure that funding is not supporting policies, programs, or practices that violate international law, including torture and ill-treatment of LGBT people.
- Ensure that aid to Iraqi security forces supports the development of internal oversight and accountability mechanisms.
- Refrain from funding security forces' units that are credibly found to abuse human rights and make resumption of funding to such units subject to enactment of reforms that guarantee the cessation of such abuses and accountability for past violations.

Acknowledgments

This report was researched and written by Rasha Younes, researcher in the LGBT Rights program at Human Rights Watch. The interviews conducted for this project could not have been possible without the invaluable assistance of Sanar Hasan, an Iraqi journalist. IraQueer, a Baghdad-based LGBT rights organization, assisted in outreach and interviewing related to this project.

The report was reviewed by Graeme Reid, director of the LGBT Rights program at Human Rights Watch; Joseph Saunders, deputy director of the Program office; Danielle Haas, senior editor; Adam Coogle, deputy director of the Middle East and North Africa division; Belkis Wille, senior researcher in the Crisis and Conflict Division; Rothna Begum, senior researcher in the Women's Rights division; Bill Van-Esveld, associate director of the Children's Rights division; Deborah Brown, senior researcher and advocate in the Business and Human Rights Division; Gabi Ivens, head of the Open Source Research Program; and Clive Baldwin, senior legal advisor. IraQueer also reviewed the report. Yasemin Smallens, coordinator of the LGBT Rights program at Human Rights Watch provided editorial and production coordination and formatted the report. Additional production assistance was provided by Travis Carr, senior publications coordinator, and Fitzroy Hepkins, senior administrative manager. The report was translated into Arabic by Maya Aleses, a freelance translator. The Sorani translation of this report was vetted by Binar Faeq Karim, a freelance translator.

Human Rights Watch would like to thank the numerous organizations and individuals who contributed to the research and advocacy that went into this report. This report is dedicated to all the LGBT people who found the energy to share their experiences with us, and to the LGBT people who were lost to the world after falling victim to brutal killings.

Annex I: Letter to the Ministry of Foreign Affairs

HUMAN RIGHTS WATCH

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HRW.org

Minister Fuad Hussain
Ministry of Foreign Affairs
Baghdad, Iraq
March 1, 2022

Dear Minister Hussain,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on a range of human rights abuses faced by lesbian, gay, bisexual and transgender (LGBT) people in Iraq, and to request information around LGBT people's interactions with security forces and access to protection in Iraq. In addition, I would like to request that you respond to a list of questions that have stemmed from the research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 90 countries across the world, including Iraq.

In March, Human Rights Watch will publish a report based on our research focusing on various armed groups' killings, abductions, torture, and sexual violence against LGBT people in Iraq. It is based on 54 interviews with Iraqi LGBT people.

Human Rights Watch documented a cycle of abuse at the hands of government forces, including a pattern of attempting to hunt down LGBT people to perpetrate harm against them. We also found that LGBT people's ability and willingness to report abuses they suffer to the police or file complaints against law enforcement agents is impeded by a combination of loosely defined "morality" clauses in Iraq's Penal Code and the absence of legislation protecting against discrimination and reliable complaint systems. This has created an environment in which armed actors belonging to the government, including the police, can abuse them with impunity. All 54 LGBT people interviewed for this report said that they would not report a crime committed against them to the police, either because of previous failed attempts where the complaint was dismissed or no action was taken, or because they feel that the blame will be

redirected at them due to their non-conforming sexual orientations, gender identities, and expressions.

Human Rights Watch documented eight cases of abductions by armed units within the Popular Mobilization Forces (PMF), eight cases of attempted murder by PMF groups, four extrajudicial killings by PMF groups, 27 cases of sexual violence—including gang rape— by police and PMF groups, 45 cases of threats to rape and kill by police and PMF groups, and 42 cases of online targeting by police and PMF groups against LGBT people in Iraq. In eight cases, abuses by PMF groups and police, including arbitrary arrest and sexual harassment, were against children as young as 15. In 39 cases, individuals were able to identify the armed group, mostly under the PMF, behind the attack against them. The groups implicated in the most serious abuses are Asa'ib Ahl al-Haqq, Atabat Mobilization, Badr Organization, Kata'ib Hezbollah, Raba Allah Group, and Saraya al-Salam.

Human Rights Watch found that LGBT people across Iraq face routine violence from security officials, particularly at checkpoints, who verbally and physically assault them, arbitrarily arrest, and detain them, often without a legal basis. Interviewees reported that any suspicion of gender non-conformity may lead to violence or harassment by security forces. Human Rights Watch documented 15 cases of arrest by security forces against 13 LGBT people in Iraq. LGBT people who were detained reported that police officers forced them to sign pledges stating that they had not been subjected to abuse and denied them access to a lawyer. The conditions of their detention included being denied food and water, the right to make a phone call, the right to obtain medical services, and being sexually assaulted and physically abused by police. One 17-year-old boy reported that police officers subjected him to a forced anal exam, and another 17-year-old boy said police officers attempted to do the same. Anal tests, internationally discredited, can rise to the level of torture and sexual assault under international law.

In order for our report to be as complete as possible, we would greatly appreciate your responses to the following questions:

To the Ministry of Interior

- 1) Does the Ministry currently take any specific measures to ensure that security forces respect the rights and identities of LGBT people at checkpoints and in police stations, and refrain from harassing them based on their sexual orientation and gender identity or expression? If so, please provide us with details of those measures. If the Ministry currently is not, but plans to develop new measures in

this regard, please provide us with details of the planned measures and a timeframe for their implementation.

- 2) Would the Ministry issue a statement publicly condemning violence against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?
- 3) What existing complaints mechanisms are available to people, including LGBT people, if Ministry of Interior officials, including police, perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly, following a clear procedure, that individuals know how to access these mechanisms, and that individuals can submit complaints without fear of reprisals. In terms of the Ministry's complaints mechanisms, we request the following information:
 - a. Please provide statistics for how many Ministry of Interior officials, including police, have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
 - b. Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
 - c. Please provide statistics for how many Ministry of Interior officials, including police, have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.
- 4) Does the Ministry have a policy that prohibits security forces from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Ministry planning to implement such a prohibition?
- 5) What steps, if any, has the Ministry undertaken or does the Ministry plan to undertake to guarantee that groups can formally and informally organize around LGBT rights without interference and intimidation?

To The Popular Mobilization Forces (PMF) Commission

- 1) Is the PMF Commission taking any current steps to ensure that its units do not carry out any attacks against people because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?

- 2) Would the Commission issue a statement publicly condemning violence against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?
- 3) What existing complaints mechanisms are available to people, including LGBT people, if PMF members perpetrate abuses against them? Please detail how these complaints mechanisms work, including what measures are in place to ensure that complaints are handled confidentially and swiftly, following a clear procedure, that individuals know how to access these mechanisms, and that individuals can submit complaints without fear of reprisals. In terms of the complaints mechanisms, we request the following information:
 - a) Please provide statistics for how many PMF members have been sanctioned under these internal complaints mechanisms for committing abuses against individuals within the last five years and what sanctions were imposed.
 - b) Please indicate how many of these complaints stemmed from abuses committed against LGBT people.
 - c) Please provide statistics for how many PMF members have been charged with crimes against LGBT people within the last five years, what criminal charges were brought, and what sentences were imposed.
- 4) Does the Commission have a policy that prohibits its members from inquiring about the sexual orientation or gender identity of individuals who are reporting violations? If not, is the Commission planning to implement such a prohibition?
- 5) What steps, if any, has the Commission undertaken or does the Commission plan to undertake to guarantee that groups can organize formally or informally around LGBT rights without interference and intimidation?
- 6) Is the Commission taking any other concrete measures to ensure that PMF units are not involved in the torture, disappearances, summary killings, sexual violence, or any other abuses against people based on their sexual orientation and gender expression and identity?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **March 14** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our

website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at [REDACTED] or [REDACTED]

Sincerely,

[REDACTED]

Adam Coogle
Deputy Director, Middle East and North Africa Division
Human Rights Watch

Annex II: Letter to the Prime Minister of the Republic of Iraq

HUMAN RIGHTS WATCH

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H.E. Mustafa Al-Kadhimi
Prime Minister of the Republic of Iraq
Baghdad, Iraq
March 1, 2022

Your Excellency,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on the range of human rights abuses faced by lesbian, gay, bisexual and transgender (LGBT) people in Iraq, and to request information around accountability for abuses against LGBT people and their access to security in Iraq. In addition, I would like to request that you respond to a list of questions related to this research.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 90 countries across the world, including Iraq.

In March, Human Rights Watch will publish a report based on our research focusing on armed groups' killings, abductions, torture, and sexual violence against LGBT people in Iraq. It is based on 54 interviews with Iraqi LGBT people.

Human Rights Watch documented a cycle of abuse at the hands of government forces, including a pattern of attempting to hunt down LGBT people to perpetrate harm against them. We also found that LGBT people's ability and willingness to report abuses they suffer to the police or file complaints against law enforcement agents is impeded by a combination of loosely defined "morality" clauses in Iraq's Penal Code and the absence of legislation protecting against discrimination and reliable complaint systems. This has created an environment in which armed actors belonging to the government, including the police, can abuse them with impunity. All 54 LGBT people interviewed for this report said that they would not report a crime committed against them to the police, either because of previous failed attempts where the complaint was dismissed or no action was taken, or because they feel that the blame will be

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redirected at them due to their non-conforming sexual orientations, gender identities, and expressions.

Human Rights Watch documented eight cases of abductions by armed groups primarily under the Popular Mobilization Forces (PMF), eight cases of attempted murder by PMF groups, four extrajudicial killings by suspected PMF groups, 27 cases of sexual violence—including gang rape— by police and PMF groups, 45 cases of threats to rape and kill by police and PMF groups, and 42 cases of online targeting by police and PMF groups against LGBT people in Iraq. In eight cases, abuses by armed groups and police, including arbitrary arrest and sexual harassment, were against children as young as 15. In 39 cases, individuals were able to identify the armed group, mostly under the PMF, behind the attack against them. The groups implicated in the most serious abuses are Asa'ib Ahl al-Haqq, Atabat Mobilization, Badr Organization, Kata'ib Hezbollah, Raba Allah Group, and Saraya al-Salam.

Human Rights Watch found that LGBT people across Iraq face routine violence from security officials, who verbally and physically assault them, arbitrarily arrest, and detain them, often without a legal basis. Interviewees reported that any suspicion of gender non-conformity may lead to violence or harassment by security forces. Human Rights Watch documented 15 cases of arrest by security forces against 13 LGBT people in Iraq. LGBT people who were detained reported that police officers forced them to sign pledges stating that they had not been subjected to abuse and denied them access to a lawyer. The conditions of their detention included being denied food and water, the right to make a phone call, the right to obtain medical services, and being sexually assaulted and physically abused by police. One 17-year-old boy reported that police officers subjected him to a forced anal exam, and another 17-year-old boy said police officers attempted to do the same. Anal tests, internationally discredited, can rise to the level of torture and sexual assault under international law.

In order for our report to be as complete as possible, we would greatly appreciate your response to the following questions:

- 1) What steps is the government taking to investigate all reports of armed group violence and all claims of police abuse against people targeted due to their actual or perceived sexual orientation or gender identity and expression, and appropriately punish those found responsible?
- 2) What other measures is the government taking to end torture, disappearances, summary killings, and other abuses targeting individuals based on their sexual

- orientation and gender expression and identity? Do these measures include engaging directly with armed forces, including PMF groups, to stop the violence?
- 3) Does the government plan to compensate all families of victims of unlawful killings and survivors of serious abuse? If so, please provide us with the process available to victims and their families seeking compensation, a timeframe for this measure, and the concrete steps you will undertake to implement it.
 - 4) Based on your review of the evidence we have documented in our report, upon publication, will your office issue a statement publicly condemning violence against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?
 - 5) Is the government taking any steps to repeal or amend any legislation that criminalizes consensual sexual relations between adults and children of similar ages?
 - 6) Is the government considering working with Parliament to pass comprehensive legislation that prohibits discrimination on the grounds of sex, gender, gender identity and sexual orientation, and include effective measures to identify and address such discrimination and give victims of discrimination an effective remedy?
 - 7) What steps is the government taking to encourage Parliament to pass a domestic violence law that meets international standards?
 - 8) Is the government engaging with Parliament to amend or repeal vague articles of the Penal Code, including paragraphs 200(2), 401, 402, 501, and 502, that could justify arbitrary arrest or harassment of people due to their actual or perceived sexual orientation or gender expression and identity? If not, is it taking any measures to ensure that they are not applied in an arbitrary or discriminatory manner contrary to international human rights law?
 - 9) Is the government taking any specific measures to ensure that no victim of a crime is denied assistance, arrested, or harassed on the basis of their gender identity or their sexual orientation, and safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **March 14** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

[REDACTED] or [REDACTED]

Sincerely,

[REDACTED]

Adam Coogle
Deputy Director, Middle East and North Africa Division
Human Rights Watch

Annex III: Letter to the Kurdish Regional Government

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Dr. Dindar Zebari

KRG Coordinator for International Advocacy

Kurdistan Regional Government

March 2, 2022

Upcoming Human Rights Watch Report on LGBT Rights in Iraq

Dear Dr. Zebari,

Thank you for your continued assistance and support to Human Rights Watch. We appreciate your team's willingness to maintain an open line of communication with Human Rights Watch to discuss human rights challenges and recommendations for how to overcome them as well as your willingness to engage with the findings of our human rights investigations and to provide your input.

In March, Human Rights Watch will publish a report based on our research focusing on armed groups' killings, abductions, torture, and sexual violence against LGBT people in Iraq. It is based on 54 interviews with Iraqi LGBT people. Ten of those interviewed reported abuses they faced in the Kurdistan Region of Iraq, namely in Sulaymaniyah and Erbil.

Human Rights Watch documented a cycle of abuse at the hands of government forces, including a pattern of attempting to hunt down LGBT people to perpetrate harm against them. In the Kurdistan Region of Iraq, we documented instances of sexual assault, physical abuse, death threats, extortion, and online targeting by members of the Asayish against gay men and transgender women. We also reported on a transgender woman's murder by her brother in Dohuk, and documented arrest warrants issued against LGBT rights activists in Sulaymaniyah.

In June 2021, police in the Kurdistan Region of Iraq issued arrest warrants based on article 401 of the penal code which criminalizes "public indecency" against 11 LGBT rights activists who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group. As of March 2022, the case remained open pending investigation, though authorities had not detained the activists. The

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arrest warrants violate Iraq's constitution and its obligations under international law.

We also found that LGBT people's ability and willingness to report abuses they suffer to the police or file complaints against law enforcement agents is impeded by a combination of loosely defined "morality" clauses in Iraq's Penal Code and the absence of legislation protecting against discrimination and reliable complaint systems. This has created an environment in which armed actors belonging to the government, including the police, can abuse them with impunity. All 54 LGBT people interviewed for this report said that they would not report a crime committed against them to the police, either because of previous failed attempts where the complaint was dismissed or no action was taken, or because they feel that the blame will be redirected at them due to their non-conforming sexual orientations, gender identities, and expressions.

In order for our report to be as complete as possible, we would greatly appreciate your response to the following questions:

1. How many people have been charged in the Kurdistan Region of Iraq under the Penal Code provisions 200(2), 210, 401, 402, and 501, between 2018 and 2022? Can you please share basic details about each case, including the charges and the sentence given?
2. Based on your review of the evidence we have documented in our report, upon publication, will the Kurdistan Regional Government issue a statement publicly condemning violence against people targeted because they do not conform to gender and masculinity norms, or are suspected of same-sex conduct?
3. Please detail any specific measures the Kurdistan Regional Government has taken to limit attacks against LGBT people as well as activists working on issues around gender and sexuality?
4. What steps, if any, has the Kurdistan Regional Government undertaken or does the Kurdistan Regional Government plan to undertake to guarantee that groups can formally and informally organize around LGBT rights without interference and intimidation?
5. Does the Government plan to drop the arrest warrants against activists at Rasan Organization? If not, why not?
6. What steps is the Kurdistan Regional Government taking to investigate all reports of police abuse against people targeted due to their actual or perceived sexual orientation or gender identity and expression?
7. Is the Kurdistan Regional Government taking any specific measures to ensure that no victim of a crime is denied assistance, arrested, or harassed on the basis of

their gender identity or their sexual orientation, and safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest?

We respectfully request that you provide us with a written response to these questions and any other information that you wish to provide by **March 15** so that we may have the opportunity to review and reflect it as appropriate in our reporting. We will post on our website relevant parts of any response received after that date. If you would instead like to hold a virtual meeting with us to discuss our questions, please let us know.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at [REDACTED] or [REDACTED].

Sincerely,

[REDACTED]

Adam Coogle
Deputy Director, Middle East and North Africa Division
Human Rights Watch

Annex IV: Response to HRW from the Kurdish Regional Government

From: Dindar Zebari [REDACTED]
Sent: Wednesday, March 16, 2022 11:19 AM
To: Rasha Younes [REDACTED]
Subject: Re: HRW Information Request/Letter

Dear Rasha,

Thanks for reaching out.

Kurdistan Region remains a safe haven for the exercise of individual and group freedoms; which are invariably upheld without discriminations. The government and the civil society should coordinate their efforts to consolidate and protect essential values and the rule of law. There are erratic circumstances for which the existing legal provisions have not found exact solutions. LGBT rights and legal restrictions are one of them. However, the courts, which are independent from the government, base their inferences upon interpretations of the texts that approach these issues tacitly, albeit with necessary and compelling reasoning.

Commencing with Rasan Organization, they have an outstanding legal contest with the Directorate of NGOs. According to the Law of the Directorate of NGOs in the Kurdistan Region No.1 of (2011) and the Regulation No. 4 of (2011), the Directorate is responsible for taking legal actions against any organization conducting activities that violates the enforced laws in the Kurdistan Region. Furthermore, according to Articles 3 and 4 from the regulations stipulated by Rasan Organization, the entity defines itself as a "non-profit NGO that advocates for the civil and legal rights of women" and identifies its goal as "curbing violence against women". Nevertheless, without informing the Directorate of NGOs, the NGO in question changed its title from "Rasan Organization for Advocating for Women Rights" to "Rasan Organization for Promoting the Lives of Women and Homosexuals in Iraq". This stands against Article 10 of the Law of the Directorate of NGOs in the Kurdistan Region.

Additionally, in 2017 Rasan Organization changed their logo to a logo that depicts the LGBTQ flag. This decision was made by one of the co-founders of the organization, and the other two co-founders were not present. This again stands against the regulations, which stress that such decisions should be made with absolute majority (50+1).

Furthermore, Rasan Organization was established in 2013, but, between 2014 and 2020, only submitted a single annual report about their activities and financial resources - while it is the duty of NGOs to submit such reports on an annual basis, as addressed by Article 14 from Law No 1 (2011) to validate the integrity and commitments of the NGOs. As far as their 2018 report is concerned, the Directorate of NGOs found that the provided figures were flawed and inconsistent; for example, they noted that IQD 7,592,000 was dedicated to the employees' payroll but the total expenditures were IQD 91,105,000, therefore IQD 83,512,000 was missing. Moreover, according to the Directorate of NGOs, the tax clearance letter is expected to be submitted along with the annual reports each year, but the Rasan Organization submitted tax clearance letters of 2020 and four preceding years together.

Kurdistan Region strives to protect and promote individual rights and freedoms. It is the legitimate right of the citizens of Kurdistan Region to exercise their freedoms without constraints. A thriving civil society is the cornerstone of preserving individual freedoms and group identities.

Nevertheless, the laws and regulations in place are putting limitations to the extent of proportionally restricting the practice of the same-sex sexual orientation to the vicinity of individuals without publicizing it; maybe the restrictions go beyond this limitation in some circumstances.

Championing for homosexuality remains a violation of law according to the Iraqi legislation. Articles 393, 394 and 395 from the Iraqi Penal Code No. 111 of (1969) clearly stipulate that acts of homosexuality- whether conducted willingly or unwillingly - are explicit violations of law and will be followed by punitive measures. Article one of the Iraqi Personal Status Law No. 188 of (1959) that's been amended in the Kurdistan Region under Law No.15 of (2008), defines the concept of marriage as the union between a male and a female for the purpose of establishing a family. The aforementioned law allows the annulment of marriage if one of the spouses conducted acts of homosexuality.

The highest source of legislation - the constitution - also put shackles on homosexual activities. Articles 2 and 35 from the Iraqi Constitution 2005 stipulate that Islam is the official religion of the state and is a foundation source of legislation, so no law may be enacted that contradicts the established provisions of Islam.

Therefore, the Iraqi legislators - based on reasonable amount of evidence - predominantly interpret homosexuality to be an act that violates and goes against the norms, culture, tradition, and the country's official religion.

Nevertheless, Rasan Organization came forth as an NGO not only protecting the LGBTQ community, but also championing for them. This is apparent in their website, which defines each category of the same-sex orientations and advocates for them. The Directorate of NGOs opened a lawsuit against them on the basis of these legal foundations. The case is in the court, but we are not aware of its current stage.

With regards to the alleged police abuse of LGBTQ community, any law-enforcement officer who abuses his or her authority in maintaining order will be punished by law. However, no such incidents have been reported.

The governorates' councils and police departments have not received complaints nor requests for public demonstrations. Legal protections are provided regardless of sexual orientation, but championing for homosexuality is still illegal within the legislative boundaries, and Rasan Organization, according to what have been demonstrated by the Directorate of NGOs, has practiced championing for it and violated other legal provisions along with it. Still, the government does not tolerate violence against the LGBTQ community and the court will be on board to mainstream the relevant punitive measures. For example, on Monday, January 31, 2022, the Duhok Police were notified of the corpse of a trans woman shot dead and left in a village near Duhok. Preliminary investigations and statements by family members revealed that Doskey Azad was killed by her brother, and her body was dumped a few days before she was found. Duhok Police and the related institutions have immediately launched an investigation. Duhok's Investigation Court issued a warrant to arrest the suspect on the basis of Art 406 from the Iraqi Penal Code, which is pertinent to willful killings. Security agencies have shared the name of the suspect at all airports and border points, and investigations are ongoing.

The issue of LGBTQ should be resolved within a wide framework that incorporates governmental and non-governmental agencies. KRG is now in the process of implementing the Regional Plan for Human Rights, which is an inclusive mechanism to address the gaps related to legislations and freedoms, and to make the adjustments accordingly in collaboration with NGOs, UN agencies, diplomatic missions, judicial

and legislative authorities. The implementation of the plan is overseen by our office. We are looking forward to convening NGOs and governmental institutions to compromise ever-lasting solutions for 27 spheres of human rights; with combating domestic violence being one of the backbone human rights' fields. Rasan Organization and all the other NGOs which are more or less involved in protecting the LGBTQ rights will be invited to the discussions and their points will be taken into consideration. Legislative amendments require time and collective effort.

The first question has been forwarded to the relevant judicial institutions. It takes some time before sorting out the provisions and the suspects charged or sentenced under them. But as a preliminary illustration, rely on the following data: In 2018, one person was convicted of Article 402; in 2019, one was convicted of Article 401 and one of Article 402; in 2020, 3 were convicted of Article 3 and one was convicted of Article 402; and in 2022, one has been convicted on the basis of Article 402. Kindly let us know when you release the report or if you need anything.

Sincerely,
Dr. Dindar

“Everyone Wants Me Dead”

Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq

The Iraqi government has failed to hold accountable members of various armed groups who in recent years have continued to abduct, rape, torture and kill lesbian, gay, bisexual, and transgender (LGBT) people, with impunity. Based on 54 interviews with Iraqi LGBT people, “*Everyone Wants Me Dead*” documents the violence LGBT people face by state and non-state actors in Iraq.

LGBT people across Iraq face routine violence from security officials, who verbally abuse and sexually assault them, including at checkpoints, arbitrarily arrest them, and detain them. LGBT people also face online harassment, blackmail, and targeting on social media and same-sex dating applications by armed groups.

The report demonstrates a cycle of abuse, including a pattern of attempting to hunt down LGBT people to perpetrate harm against them, which amounts to structural violence against them. The combination of hypervulnerability, loosely defined “morality” clauses, and the absence of legislation protecting against discrimination and reliable complaint systems, are formidable barriers that impede LGBT people’s ability and willingness to report abuses they suffer to the police, or file complaints against law enforcement agents, creating an environment in which police and armed groups can abuse them with impunity.

Human Rights Watch calls on the Iraqi authorities to investigate all reports of armed group or other violence against people targeted due to their actual or perceived sexual orientation or gender identity and expression, and appropriately punish those found responsible, and publicly and expressly condemn all such violence. The government should take all appropriate measures to end torture, disappearances, summary killings, and other abuses based on sexual orientation and gender expression and identity and compensate all families of victims of unlawful killings and survivors of serious abuse.



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