

## **Jailed Without Trial**

**Author:** [Dhiya Rasan](#)

Iraqi prisons are full of detainees who don't know what they are accused of, let alone when they will face trial.

Jaber Salaam, 20, says the only reason he's sitting in a Baghdad jail is that he was in the wrong place at the wrong time.

"I was walking through the Palestine neighbourhood of Baghdad after visiting a friend to borrow some money from him," Salaam told IWPR. "On my return, I saw some people standing beside a car with a man lying dead inside. The Americans arrived and arrested me with a dozen other people."

IWPR was unable to investigate Salaam's claim of innocence. But his file in north Baghdad's al-Kadhemiya prison confirmed that he has been held for eight months without a hearing or a trial date.

Thanks to disarray in Iraq's legal system, thousands of criminal suspects are being held in prisons and police stations without trial, and in some cases ignorant of the details of the charges against them.

In many cases, their police files are marked with one-word descriptions of the accusations against them, such as "theft" or "murder".

These cursory accusations mean some prisoners have not been questioned about their alleged crimes, police officials say.

Hala abd al-Fattah, mother of a detainee, says the lack of information regarding the charges against her son means she cannot even hire a defence lawyer for him.

"I don't know what to do. Lawyers don't accept cases without knowing the background to them," she said.

Prior to the war, detainees were held in police stations until the investigation was complete – usually a month at most, according to police investigator Hadi Firas. Suspects could speak to lawyers, get out on bail, or enter into reconciliation talks with their victims.

Prison authorities told IWPR that the justice ministry officials responsible for processing detainees rarely show up at the jails these days.

Holding cells in police stations are completely full, so detainees are transferred to prisons like Kadhimiya, where they are held alongside convicted criminals.

"Kadhimiya has a capacity of 250 prisoners. It is full now, but no one has yet gone on trial," said a social researcher working at the prison, who declined to be named. "No one comes from the justice ministry to finalise the investigation. They just assign [the detainees] a number and send them to a cell."

Abd al-Hussein Shandel, who heads the Judicial Supervision Board for the justice ministry, defended the authorities. "The ministry is capable of doing its job," he said.

But Shandel conceded that "delays" do occur, as a result of interruptions in the judicial process. Sometimes this happens because of security problems, but at other times the problem is that there are too few trial judges, the result of so many being disqualified for their Saddam-era record.

"We keep detainees in jail without reviewing files because of the shortage of courts. Besides, some of the judges were suspended pending investigation because they were [suspected of] violating the law in the past," said Shandel.

The prison researcher said that the prolonged detention wreaks psychological havoc not only on the detainees, who remain in legal limbo with no way of proving or disproving the charges against them, but also on their families.

"I am to blame for my brother's imprisonment," said Mohammad Gadab, whose brother Falah was arrested on charges of car theft. "I introduced him to some guys without knowing that they would make him indulge in what got him jailed. I have no way of freeing him."

Gadab has been in prison since April last year, and has been neither questioned nor tried.

A United States advisor at the Kadhemiya prison, identified by prison officials as "Mr Paul", has so far not responded to IWPR's requests for an interview.

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