



General Assembly

Distr.: General
30 May 2017

English only

Human Rights Council

Thirty-fifth session

6-23 June 2017

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), the Arab Organization for
Human Rights, the Indian Movement "Tupaj Amaru", the
International-Lawyers.Org, non-governmental organizations
in special consultative status, the International Educational
Development, Inc., the World Peace Council, non-
governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-08648(E)



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Iraq: A Silenced Nation*

Iraq has been a party to the ICCPR since 1971, which provides for freedom of expression and peaceful assembly. But 46 years later, these rights remain seriously threatened, and Iraqis who publicly express their views do so at great peril. This is greatly alarming because freedom of expression and peaceful assembly are the cornerstone of democratic debate. Their restriction either by law, or by a culture of fear, is contrary to international human rights obligations which Iraq should, and must, abide by.

Restriction of the Right to Assembly

While Iraqis have a constitutional right to freedom of assembly, in practice, this right is frequently restricted - and those who protest against the government do so at their own risk.

The Iraqi authorities continue to block and disrupt peaceful demonstrations, which civilians use to protest against corruption and to demand greater civil and political rights. In general, the demonstrations are a response to the increased frustration with the deteriorating conditions that Iraqis are forced to live with on a daily basis. The protests have included demands such as:

- for the government to put an end to the death penalty, in the context of the corrupt judicial system
- for the government to stop applying certain legislation, including the so-called “accountability and justice” law, that is being used to target certain sects of Iraqi society and to suppress governmental opponents
- for a complete overhaul of the election process, and for the members of the election commission, which supervises elections, to be replaced due to their corruption
- for an end to poor living conditions and insufficient public services, resulting in electricity and water shortages
- for Iraqi security forces to stop conducting night raids, where thousands are arrested and detained - arrests should happen at day-time and comply with all legal standards

Since the onset of these demonstrations, the Iraqi government has constantly referred to the protestors as “terrorists” and Iraqi security forces have used violence against protesters - often resulting in grave consequences. In one such demonstration, in Baghdad’s Green Zone on 20th May 2016, government security forces used live ammunition, rubber bullets, and gas canisters against the demonstrators for two hours - injuring over 200 people and killing four protestors.¹ In another incident, on 11th February 2017, a protest was again held in Baghdad’s Green Zone to bring attention to government failings. It ended with Iraqi security forces firing tear gas and rubber-coated bullets at thousands of demonstrators - wounding at least 320 people and killing seven.

In addition to using violence to deter demonstrators, the government is increasingly using the “fight against terrorism” as a pretext to punish those involved in peaceful protests. In particular, it is relying on the Anti-Terrorism Law No.13 of 2005, that permits the detention and punishment of those suspected of terrorist activities. By alleging peaceful protestors are terrorists, governmental authorities have been provided with an excuse to target, attack and arbitrarily arrest, detain and execute innocent civilians who profess any kind of anti-government rhetoric.

The actions of the Iraqi government, and its security forces, show a clear failure to abide by Article 38 of Iraq’s constitution, which guarantees the right to “freedom of assembly and peaceful demonstration/protest.” Moreover, the ruthless attacks against the peaceful civilian demonstrators by government forces are in serious violation of a number of fundamental human rights.

Prohibition of Free Press

¹ UN News Centre ‘Iraq: UN Human Rights Office Urges Investigation into Use of Force Against Protestors’ (24 May 2016) available at <http://www.un.org/apps/news/story.asp?NewsID=54035#.WHT1-CMrInU>

There are few truly independent media outlets in Iraq, with most controlled by militias, political parties, or the state. In 2016, a report by the International Federation of Journalists named Iraq as the deadliest country in the world for journalists - with more than 300 journalists killed between 1990 - 2015.

Following years of targeted violence against journalists, Iraqis who openly criticise officials and their corruption often face threats, arbitrary arrest, beatings, harassment and prosecution. While many cases do not come to light, on 24 August 2015, eight cases of assault, expulsion, threats and incitement to murder were registered by the Iraqi Observatory for Press Freedom against journalists for covering anti-governmental demonstrations in Basra, Samawa, Baghdad and Diyala.

In addition to violence, threatened or real, the authorities continue to limit the freedom of the press in a number of other ways. In March 2016, al-Baghdadia TV had its operating license removed by the Iraqi Communications and Media Commission, as did Al Jazeera in April 2016, allegedly because the channel contained 'media rhetoric that incites sectarianism and violence.'

In this situation, Iraqi journalists are forced to live with uncertainty, never knowing whether the threats to their lives and livelihoods will be carried out. Therefore, while the Iraqi Constitution stresses the right to freedom of expression, in reality, the detention, prosecution, and violence against independent journalists shows that freedom of press is nothing but non-existent.

Recommendations:

In 2017, Iraq continues to silence its people. By preventing its citizens from peacefully protesting, and targeting human rights activists, it is clear that Iraq does not respect the civil and human rights of its citizens. As a result, there must be a collective international effort to ensure the Iraqi government abides by its obligations to respect the right to freedom of expression and opinion, and the right to freedom of assembly.

We, NGOs Signatories to this statement recommend:

Relevant UN bodies open an investigation into the allegations that the Iraqi government and its forces have abused the right to freedom of expression and opinion, and the right to freedom of assembly.

The international community undertakes all measures to ensure that Iraq protects and guarantees the right of individuals to demonstrate peacefully, and stops the targeting of human rights defenders and peaceful activists.

An independent commission of inquiry to investigate all human rights abuses in Iraq, including the violation of the right to freedom of expression and the right to peaceful assembly.

Ensure journalists are protected against harassment and violence while performing their profession, and that all allegations of such harassment or violence are promptly and thoroughly investigated, and those responsible are held accountable.

The UN Human Rights Council should appoint a Special Rapporteur for the human rights situation in Iraq.

There should be a country visit to Iraq from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice &

Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), Kuala Lumpur Foundation to Criminalise War, NGOs without consultative status, also share the views expressed in this statement.