



General Assembly

Distr.: General
31 May 2017

English only

Human Rights Council

Thirty-fifth session

6-23 June 2017

Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (IAFORD), 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.

[16 May 2017]

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

GE.17-08756(E)



* 1 7 0 8 7 5 6 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



Iraq: Human Rights Violations*

Since Iraq was invaded in 2003 by a United States of America led coalition, it has become one of the most unstable countries in the Middle East - and a prolific abuser of human rights. The corruption in Iraq is now endemic, with successive governments allegedly using public money for their own benefit - depriving Iraqi people of their basic needs.

The state has also allowed the sectarian militias to grow unrestrainedly in power and size, who themselves gravely violate civilian rights. Worse still, successive Iraqi governments have utilised the rise of ISIS to authorise high execution rates, arbitrary arrests and to justify the detention of peaceful demonstrators - all under the guise of “fighting terrorism.” This has given rise to some of the most prolific violations of international human rights law and international humanitarian law of this century.

Enforced Disappearances

Officially, Iraq claims that enforced disappearance is a thing of the past. It avoids admitting that it is an ongoing and systematic practice of the government and its affiliated militias. This means that while the Minister of the Interior has denied his ministry operates secret detention facilities, credible information has proved there are over 420 of these prisons in Iraq.

Furthermore, despite government denials, the number of enforced disappearances is not diminishing. Between 2 to 5 June 2016, at least 643 men and boys disappeared from Saqlawiya, Iraq, in the aftermath of the ‘liberation campaign’ supposedly intended to retake the city of Fallujah from ISIS. On 4 June 2016, Prime Minister al-Abadi announced that he had ordered an investigation into allegations of abuse in the Fallujah campaign, and three days later he announced there had been an unspecified number of arrests. Yet as of May 2017, the government has failed to release any further information about the status of the investigation, who is conducting it, or any further steps taken. As a result, it is clear there must be an urgent and proper investigation into all persons reported missing in Iraq.

Torture

Since 2014, Iraq has stepped up its use of torture, which the international community is turning a blind eye to - as long as the activity is to “combat terrorism.” This has empowered state authorities (militias, police units, security forces, intelligence services and the army) to conduct torture practices and other ill-treatment in detention centres, prisons, and even on the streets.

In prisons interrogators utilise torture methods including: being beaten and threatened with death; being subjected to threats against family members; being handcuffed and suspended from iron bars for long periods of time; electric shocks to various parts of the body and the deprivation of food, water and sleep to extract information from detainees and obtain “confessions.” Those who survive are tortured until they confess, or until they agree to sign a statement which they are not allowed to read. These coerced statements or confessions have long been relied upon by Iraqi Courts to convict defendants on trial for serious charges, where often, the result is the death sentence.

The Death Penalty

Iraq’s use of the death penalty is both arbitrary and widespread. When applying the death penalty, the Iraqi government does not respect due process and fair trial standards. Often, detainees are tortured, forced to confess to crimes or terrorist acts, and shortly thereafter sentenced to death. Further to this, Iraqi law imposes the death penalty for a number of crimes which fall well outside the international standard of “the most serious crimes” - interpreted by the UN Human Rights Committee to include only crimes which involve willful killing.

Moreover, following ISIS's attacks in 2014, "countering terrorism" is increasingly being used to justify rising execution rates, and the use of the 2005 Anti-Terrorism law, which mandates the death penalty for vague and not necessarily lethal acts, including 'threats which aim to bring fear among people.' This situation is urgent, as while this policy is employed under the pretext of fighting terrorism, the facts on the ground show that it is being used as a means of revenge against opponents, on political and sectarian grounds.

In this context, an alarming amount of state executions are continuing to happen. On Monday 23 January 2017, Mahmoud Khalaf, the mayor of Samarra, Iraq, announced that on that single day, the Iraqi judicial authorities had executed 31 people. As in previous cases, no names of those executed have been disclosed, and the government has not publicised any details of the trial, how the verdict was reached, what the verdict was, or even the date it was held. Such lack of transparency and fairness, in particular when it comes to the implementation of capital punishment, is greatly disturbing.

Freedom of Assembly & Expression

Iraqis who openly criticise officials and their corruption face threats, arbitrary arrest, beatings, harassment and prosecution. In 2016, a report by the International Federation of Journalists deemed Iraq as the deadliest country in the world for journalists. More than 300 journalists have been killed in Iraq from 1990 - 2015, following years of targeted violence against journalists with anti-government rhetoric.

Those who protest against the government are equally at peril. Demonstrations are always stormed by the Iraqi police and army, who intimidate protestors with threats of violence - that are often acted upon. In one incident, on 11th February 2017, a protest was 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.

These attempts to silence Iraqis are extremely concerning, 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.

Economic, Cultural & Social Rights

As it stands, 60% of Iraqi households suffer from substandard living conditions. There is no proper water source, which facilitates waterborne disease and the spread of illness. In 2016, the annual budget for healthcare was just \$22 million, 5% of 1990's average. Access to healthcare has become impossible for most of the population. This is reflected in the inadequate number of medical professionals, insufficient equipment, and scant pharmaceutical supplies. Further to this, electricity provision is on the decline and education is plagued by neglect and mismanagement, demonstrated by the declining literacy rate and Iraq's failure to achieve the education-for-all Millennium Development Goal by 2015.

The inadequate provision of these services cannot be blamed on a lack of funding. Rather, billions of dollars have either been stolen by government officials, or wasted on totally fictitious contracts and projects. The extent of corruption in Iraq's public and private sector has prevented the provision of basic services, destroyed any trust in public institutions, robbed the country of proper development, and funded terrorism and organised crime. Moreover, anyone who protests against this corruption faces real danger - with seven anti-corruption activists kidnapped overnight on 8 May 2017 in Baghdad, by unknown masked gunmen.

Climate of Impunity

Since the invasion and occupation of Iraq, there has been a total destruction of the notion of justice. The rule of law has now been replaced by a state of anarchy and sectarian violence. This has allowed enforced disappearances, arbitrary arrests, torture and extrajudicial executions to become a part of the everyday lives of ordinary Iraqis - with those brave enough to protest silenced either by force or fear.

In these circumstances, we call upon the UN to immediately enact steps to launch an independent and impartial inquiry into the gross human rights violations in Iraq. The inquiry should be free of any government meddling and cover-ups. The goal is to publish a report that is transparent and candid, enabling those guilty to be brought to justice and, in turn, assuring that similar acts do not reoccur.

Recommendations

We, NGOs Signatories to this statement recommend:

- Relevant UN bodies to open an investigation into allegations of human rights abuses by the Iraqi government, and its forces, with a view to provide answers to families and hold those accountable responsible for their actions.
- The international community undertakes all measures to ensure that Iraq abides by its international obligations and ends human rights abuses once and for all.
- All UN bodies should seek and encourage the appointing of a Special Rapporteur for the human rights situation in Iraq.

*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.