



# General Assembly

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## Human Rights Council

Nineteenth session

Agenda items 2 and 4

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Human rights situations that require the Council's attention**

**Joint written statement\* submitted by the International Youth and Student Movement for the United Nations, the Women's International Democratic Federation, non-governmental organizations in general consultative status, the International Organization for the Elimination of all Forms of Racial Discrimination, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement “*Tupaj Amaru*”, the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status, the International Educational Development, Inc., a non-governmental organization 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.

[17 February 2012]

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

## Human rights situation in Iraq according to UNAMI 2011 report\*\*

\*\* The BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Geneva Global Media Centre, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), The Democratic Activist, Democracy Rising.org, Democratic Underground, Human Resources (Tbilisi, Georgia), Democratic Renewal, Democrats.com, Earth Day.org, Earth Island Institute, East Cobb Democratic Alliance (Cobb County, GA), Eastern Long Island Democracy for America (NY), ECU Peace and Justice NC, Election Solar Bus, Environmentalists Against War, Envision a New America, Foundation for the Development of Fox Valley Citizens for Peace and Justice (IL), Global Exchange.org, Global Network Against Weapons & Nuclear Power in Space, Global Resistance Network, Gold Star Families for Peace, Grandmothers Against the War, Grandmothers for Peace, Grass Roots Impeachment, Grass Roots Impeachment Movement, Grassroots North shoreWI, Green Delaware, Hawaii CD-01 Impeachment Action Coalition, Historians Against the War, Honk to Impeach, Idriss Stelley Foundation, Impeach Bush Cheney, Independent Progressive Politics Network, Impeach Bush Coalition, Impeach Bush TV.org, Impeachbush-cheney.com, Impeach Central, Impeach for Peace - Marshall, TX, Impeachable Treason, Impeach Duh, Impeachment Sunday, Inform Progressive Virginia, International Socialist Organization, Impeach Bush Cheney Net, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Justice Through Music, Lake Merritt Neighbours Organized for Peace (Oakland, CA), Latinos for America, Leader of the Free Word - a great screen saver, Liberal Democracy Alliance, Liberal Kids, LIBERTY TREE Foundation for the Democratic Revolution, Los Angeles National Impeachment Centre, Louisiana Activist Network, Marijuana Policy Project, Massachusetts Impeachment Coalition, Men's Project for

The Human Rights Office of the United Nations Assistance Mission in Iraq (UNAMI) in cooperation with the UN Office of the High Commissioner for Human Rights (OHCHR) under their respective mandates issued in early 2011 their detailed report on the human rights situation in Iraq<sup>1</sup>. They clearly stated that the human rights situation throughout Iraq remains fragile, widespread poverty, economic stagnation, lack of opportunities; environmental degradation and an absence of basic services constitute “silent” human rights violations that affect large sectors of the population. Nevertheless, this report, as it is the case with the previous ones, never brought to the attention of the Human Rights Council,

Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Million Musicians March, Mission Not Accomplished, Montgomery County Progressive Alliance (MD), Musicians and Fine Artists for World Peace, Muslims for Peace (Australia), National Lawyers Guild - Chicago chapter, National Lawyers Guild - Detroit & Michigan chapter, Northeast Impeachment Coalition, North Jersey Impeach Group (NJ), Northeast Georgia Peace Corner Group (Helen, GA), Northwest Ohio Peace Coalition, Northwest Progressive Institute (Pacific Northwest US), Not in Our Name.org, Not in Our Name (Aotearoa, New Zealand), Nyack Impeachment Initiative (NJ), Ohio Progressive Action Coalition, One Global Community, Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionale- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org, Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association Internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.

<sup>1</sup> UNAMI Human Rights Office/OHCHR, 2010 Report on Human Rights in Iraq- Baghdad, JANUARY 2011, [http://www.uniraq.org/documents/UNAMI\\_HR%20Report\\_English\\_FINAL\\_1Aug11.pdf](http://www.uniraq.org/documents/UNAMI_HR%20Report_English_FINAL_1Aug11.pdf)

especially in the annual report of the High Commissioner for Human Rights in accordance with her mandate.

This written statement will summaries to the Council and Civil Society representatives the main issues related to human rights situation in Iraq as presented in UNAMI/ OHCHR above mentioned report.

The report affirmed that the Government of Iraq has an obligation to ensure law and order throughout its territory. In so doing, it must conform to international legal norms it has accepted or which are binding on it. The Iraqi Constitution<sup>1</sup> at Article 8 states, “Iraq... shall respect its international obligations.”

International law applicable to Iraq includes human rights norms which are considered customary international law, as well as a number of human rights treaties to which Iraq is a party<sup>2</sup>. Iraq ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), by Law No. 30 of 2008, published in the Official Gazette, issue 4129 of 13 July 2009 – however, it has not yet deposited the instrument of ratification with the UN Secretary-General as required by the terms of the treaty. Despite this, under principles of international law, Iraq must not act in a way inconsistent or incompatible with the terms of the treaty, and in any event it must comply with other provisions relating to torture which are considered to be customary international law (even *ius cogens*), including rules prohibiting torture and cruel or inhuman treatment contained in International Humanitarian Law (IHL) where applicable. In relation to violations of international human rights law these invoke the direct responsibility.

The report asserted that civilians were subjected to arbitrary loss of life and injury, but also limiting access to, and enjoyment of, other basic rights, including, but not limited to, the right to access basic humanitarian services, and the rights of assembly, freedom of expression, etc. It also negatively impacted on economic development. Arbitrary or deliberate targeting of civilians also constitute serious violations of applicable rules of human rights law and international humanitarian law. The number of civilians who died from armed violence in 2010 range from 2,953 killed and 14,398 wounded according to UNAMI to 3,254 killed and 13,788 wounded according to figures provided by the Ministry of Human Rights (MoHR) of the Government of Iraq. UNAMI recorded a total of 71 civilians killed in assassinations. Public officials, community and religious leaders, journalists, medical and education professionals were the main civilian targets.

Significant problems with law enforcement and the administration of justice, especially in relation to the provision and respect for due process and fair trial rights, are continued. Incidents of abuse and torture remain widely reported in many detention facilities and prisons. Many pre-trial detainees continue to complain that they are not informed of charges against them, that they have no access to lawyers or family members, and that they suffer prolonged detention beyond legal limits while awaiting trial. There are also credible reports of secret detention facilities operating in various parts of the country where detainees are held incommunicado.

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<sup>2</sup> Iraq is a signatory to the International Covenant on Civil and Political Rights (ICCPR)<sup>2</sup>, which requires it to respect, provide and protect the rights pronounced therein without discrimination to all persons within its territory and subject to its jurisdiction. Iraq is also a Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC), including the Optional Protocols to the CRC; and most recently in 2010, Iraq ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

The judicial system also remains weak – and an over reliance on confessions, rather than on properly gathered forensic evidence, to convict, encourages an environment where torture of detainees takes place. In this environment it remains of concern that Iraq continues to execute convicted persons and has not considered a moratorium on implementing the death penalty. Although down on previous years. There are 835 persons on death row in Iraq.

Impunity also remains a serious challenge in Iraq. Perpetrators of crimes committed over many years continue to be unaccountable. A number of mass graves, dated to the period of violence post 2003, were discovered during the year containing the victims of various human rights abuses. Iraq's technical and institutional capacity to ensure proper forensic investigation of these sites remains weak<sup>3</sup>.

Children also continued to suffer from violence and armed conflict. Some 194 children were killed and 232 were injured in conflict-related incidents during 2010. Access to education remains uneven throughout the country – the children of internally displaced persons (IDPs) and returning refugees remain particularly effected. There were 520 boys and girls held with adults (although in separate cells) in various pre-trial facilities in Iraq, while 759 boys and 29 girls were held in facilities for convicts.

The Government reported that there are an estimated 1,343,568 post-2006 Internally Displaced Persons (IDPs) in Iraq as of January 2011.

Freedom of expression remains under threat in Iraq. Journalists continue to be targeted disproportionately with violence by security forces and armed groups. UNAMI received a number of reports of violent attacks, harassment and illegal arrest of media workers and journalists for reasons related to their conduct of their profession. In the Kurdistan Region (Erbil, Duhok, Sulimanyia provinces), attacks on journalists have been reported - according to the Kurdistan Journalist Syndicate there were 81 cases of violations of freedom of the press, including one assassination, four threats of kidnapping and/or killing, 18 cases of beatings, 35 cases of harassment and stopping media workers from performing their functions, three arrests, one kidnapping, one assassination attempt, and 18 cases of

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<sup>3</sup> The report gives some details of these mass graves “According to the MoHR at least twenty-two mass graves were discovered and confirmed during 2010; 17 in Baghdad governorate and 5 in the remainder of Iraq outside of the Kurdistan Region. Of those outside Baghdad governorate MoHR stated that 2 mass graves were found in Diyala, and one each near Basra, Karbala’, and Babil. All these mass graves date to the period of violence post 2003. In Baghdad governorate in Abu Ghraib district a mass grave contained between 40 and 50 bodies while another contained between 25-30 victims. In al-Dura/Hur Rajah the number of bodies was 36. In Mahmudiya district the number of bodies discovered was 13, including two females. In the same district 51 bodies were found in a mass grave. In Umm al-Kubar Wael Kazlam/Ur the number of bodies discovered was 16, while in Latifyeh district a grave was discovered containing 20 individuals. In Al Mada’an district a mass grave contained 6 bodies, all of who have been positively identified and their remains returned to their families. The numbers of bodies in the other graves has not yet been ascertained. In areas outside Baghdad governorate and the Kurdistan Region, in Babil/Sikandiriyeh district a mass grave was uncovered containing between 14-18 bodies. In Karbala the mass grave contained an estimated 100 bodies. All of these were victims of sectarian violence between 2005-2006. In Diyala in Hibhib district a mass grave contained three bodies, all of them unidentified. Investigation into these and other mass graves are continuing. UNAMI also received unverified reports that another mass grave containing 14 bodies, most likely belonging to victims of post-2003 violence, was discovered by Iraqi Police west of Samarra (Salahuddin Governorate) on 15 April. On 19 December it was reported that the ISF had unearthed a mass grave in Intisar in eastern Mosul that contained the bodies of 11 civilians, including one beheaded youngster believed to have been executed by an armed group in 2007. The MoHR also reported the identification of a mass grave site in the village of al-Dair (al-Qurna District) on 11 December near Basra – however, legal procedures are still underway to permit the Government to open and investigate it”.

telephone threats. “Red lines” on reporting certain issues (such as honour killings, corruption, and the Kurdish “civil war” in 1991-2) exist, which limit press freedom.

The report present a number of recommendations to the Iraqi authorities among which are the following:

- Implement the recommendations from the UPR process including develop and implement a national action plan on human rights for the promotion and advancement of human rights;
- Ratify the Rome Statute of the International Criminal Court.
- In accordance with the Outcome Document of the 2005 World Summit, protect the population from crimes against humanity, war crimes and other international crimes. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means; and
- Ensure compliance by Iraqi security forces, police and all officials engaged in law enforcement and the administration of justice, with the requirements of international humanitarian law and international human rights law.
- Ensure that all allegations of torture or other ill-treatment are promptly, properly and independently investigated, that perpetrators are charged and tried according to law, and that victims are appropriately and adequately compensated.
- Permit UNAMI/OHCHR and the ICRC, as well as the Ministry of Human Rights to carry out regular, unrestricted and independent inspection visits to all detention and prison facilities.
- Declare a moratorium on the use of the death penalty and consider acceding to the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty;
- Respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984 until the death penalty is abolished in Iraq; and
- Progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed.
- Ensure that all persons engaged in acts related to trafficking or enforced prostitution are held accountable according to law;
- Ensure that all allegations of violence against women are properly investigated and dealt with by officials responsible for law enforcement and the administration of justice and that perpetrators are dealt with according to law;
- Ensure the protection and care of all children who are victims of violence;
- Ensure that journalists are protected against harassment and violence and that all allegations of such harassment or violence are promptly investigated and those responsible are held accountable according to law.

The NGOs signatories to this statement call on the United Nations in general and the Human Rights Council in particular to:

- Ensure that all human rights violations in Iraq during the sanction and the invasion and occupation be investigated by an international independent body.
- All measures must be taken to end the current state of impunity, both within Iraq, and with regard to the culpability and responsibilities of the occupying powers in particular.

- Appoint a UN Special Rapporteur for the Human Rights situation in Iraq.
  - Request the High Commissioner to present to the Council a detailed report on the Human Rights violations in Iraq since 2003 according to UNAMI and the civil society reports.
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