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**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 Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status; the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation (GAWF), North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement “*Tupaj Amaru*”, the Arab Organization for Human Rights (AOHR), the Asian Women’s Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE, the International Federation of University Women (IFUW), Organisation Mondiale des Associations pour l’Education Prénatale, and the World Wide Organization for Women (WOW), non-governmental organizations in special consultative status; the International Human Rights Association of American Minorities (IHRAAM), the Indian Council of South America (CISA), the World Peace Council, and International Educational Development, Inc. (IED), 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.

[10 May 2013]

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

Summary and arbitrary executions in Iraq*

The exact number of people executed in the Republic of Iraq between 2003 and 2013 is unknown, but the rate and number of executions which took place rose constantly following the invasion. The increasing rate of executions demonstrates the Iraqi authorities continued disregard for international law and the most fundamental of human rights, as well as the numerous calls expressed by many United Nations officials concerning the use of the death penalty under the current context.

Under Iraqi law, a person can be sentenced to death for some 48 crimes, several of which are non-fatal crimes. The Iraqi judicial and legal systems do not respect life, human rights or international standards. They are flawed and inhumane at all levels, from the initial arrest of a person, their detention conditions, their methods of interrogation and extracting confessions, to their sentencing without trials and finally, and the execution of prisoners. There are scores of cases of defendants and detainees being held without charges and many have testified to being subjected to threats and abuse, including torture by police and security officials during interrogation for the purpose of extracting confessions. Death sentences that are carried out under these conditions, which are in breach of international obligations and laws, are close to arbitrary executions.

Executions in 2013

In 2012 there were 129 executions in Iraq, making it one of the top three States in the world. However, 2013 may well surpass 2012 in this regard. As of 10 May 2013, 53 people had been executed. On 14 March 2013, Iraqi Minister of Justice Al-Shammari announced that 8 “terrorists” had been executed. On 17 March an additional 10 were put to death, followed by another four on 1 April, and seven more on 7 April. Two weeks later, on 16 April, a group of 21 was executed. High Commissioner for Human Rights Navi Pillay condemned the executions by saying “Executing people in batches like this is obscene. It is like processing animals in a slaughterhouse;”¹ adding that the Iraqi judicial system is “too seriously flawed to warrant even a limited application of the death penalty, let alone dozens of executions at a time.”² There are currently approximately 1,400 people on death row and according to the Ministry of Justice, 150 of them are in imminent danger of execution.

The majority of the executions have been carried out according to Para 1, Art. 4 of Counter-Terrorism Law No. 13 of 2005, which since its inception has been used by Prime Minister Al-Maliki and his authorities to arrest, detain or condemn hundreds of thousands of people. The claim that those being executed are terrorists is a commonly used justification for the executions, but whether this is the case or not, the real issue at hand is that everyone, regardless of their presumed crime, has the right to due process and a fair trial. This is not the case in Iraq. It is common practice for detainees to be held without being charged and without any information on their whereabouts being provided. Instead of secret prisons, Iraqis are now referring to “secret prisoners” who are detained without a name being registered and who are kept in undisclosed locations and for unknown periods of time.³

Executions in 2012

¹ http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/2DF27396AA32B2B9C1257B5200344923?OpenDocument

² http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/2DF27396AA32B2B9C1257B5200344923?OpenDocument

³ <http://dahrjamaail.net/>

The June 2012 UNAMI report revealed that during the first 6 months of 2012 alone, Iraq executed at least 70 persons, including two females. This represented a sharp increase from previous years: 67 executions in 2011 and 18 in 2010.

The same report describes the Iraqi justice system as lacking integrity; abusing due process, convicting based on forced confessions, being corrupt and holding trial proceedings that do not respect international standards. It states that "In Iraq, few convictions for serious offenses can be considered safe."

On 19 January, 2012, 34 people, including two women, were executed in a single day.⁴

High Commissioner for Human Rights Navi Pillay called for an immediate moratorium on the use of the death penalty. "Given the lack of transparency in court proceedings, major concerns about due process and fairness of trials, and the very wide range of offences for which the death penalty can be imposed in Iraq, it is a truly shocking figure," Pillay said. "Most disturbingly," she added, "we do not have a single report of anyone on death row being pardoned, despite the fact there are well documented cases of confessions being extracted under duress."

Ms. Pillay urged the Government "to halt all executions and, as a matter of urgency, review the cases of those individuals currently on death row."

On 26 July 2012, the website of the Ministry of Justice of Iraq reported that the death sentences of 196 people had reached the final stage. A United Nations representative stated in an interview with the United Press International, on 27 July 2012, that it was an "extremely disturbing development" and that the Iraqi authorities did not provide public information about these cases, which the United Nations representative said "are part of a regrettable pattern."⁵

The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions said there were too many lives at stake and too little transparency for tolerance. "It is extremely disturbing that up to 196 individuals may be at imminent risk of execution, with a serious lack of public information on the cases," he said.

On 27 August 2012, Iraq executed 21 people, including three women.

Two days later, five more detainees were put to death. The Iraqi authorities did not disclose any information about their identities or the charges against them. The Special Rapporteur on extrajudicial, summary or arbitrary executions responded to the executions stating that "any death sentence undertaken in contravention of a government's international obligations is tantamount to an arbitrary execution."⁶

On 7 October 2012, Iraq executed 11 people, including an Algerian citizen, bringing the number of executions in 2012 to at least 113.⁷

On 30 November 2012, the Iraqi authorities executed ten more people, including an Egyptian citizen. Joe Stork of Human Rights Watch said that "The Iraqi authorities' insistence on carrying out this outrageous string of executions, while unwilling to reveal all

⁴ <http://www.un.org/apps/news/story.asp?NewsID=41019>

⁵ Special Reports: Iraq's death penalty record 'disturbing', United Press International, 27 July 2012, http://www.upi.com/Top_News/Special/2012/07/27/Iraqs-death-penalty-record-disturbing/UPI-14661343414536/

⁶ Death Row / Iraq: UN expert strongly condemns ongoing executions, reiterates call to halt them, *op.cit.*

⁷ Iraq executes 11 people despite international outcry, BBC news Middle-East, 7 October 2012, <http://www.bbc.co.uk/news/world-middle-east-19864130>

but the barest of information, underlines the opaque and troubling nature of Iraq's justice system." He added that "Rather than executing people, Iraq should focus on reforming its security and judicial systems to protect its citizens from increasing human rights violations."⁸

On 3 December 2012, Amnesty International reported that four men were sentenced to death following the broadcast of their coerced confessions, taken while they were held incommunicado in pre-trial detention. These four men were detained between the end of March and early April 2012, they were reported to have been tortured for several weeks at the directorate of Counter-Crime in Ramadi, in Al-Anbar province.

On 9 December 2012, it was revealed that the Iraqi authorities were planning to execute a Yemeni citizen, aged 16 at the time of his arrest by the US forces in Iraq. The Iraqi authorities refused to disclose any information to his family on his actual situation and on the charges against him.⁹

On 19 December 2012, Ms. Navi Pillay stated that "The number of executions so far in 2012, and the manner in which they have been carried out in large batches, is extremely dangerous and cannot be justified".¹⁰

The death penalty-an institutionalized tool for terror¹¹

In 2005, Parliament passed a terrorism law approving the death sentence not only for those who commit terrorist acts, but also for those who finance, provoke, plan, or enable such acts. This law also offered amnesty and anonymity to al-mukhbir al-sirri, (secret informers) who report alleged terrorist activities. As a result of false reports by these "secret informers," many have been arrested without committing real offences and have been wrongly executed. Detainees are tortured and forced to confess crimes or terrorist acts during pre-trial interrogations; confessions that they later denounce in court.¹² This has created a weak judicial process where many Iraqis are detained and sentenced to death shortly after getting arrested.

In practice, since 2005, Iraqi officials have frequently made the case that strictly speaking no presidential decree is needed to implement a death sentence. In that and other cases, the deputies of the president signed presidential decrees, thereby completing the procedure specified in the constitution. The selection of Khudayr al-Khuzai (a Daawa Party hardliner) as third deputy president was based in part on a desire to have a presidential deputy that would be prepared to sign execution orders if President Talabani might be reluctant to do so.¹³

According to a 2009 report by Amnesty International, in 2006, at least 65 people were executed. In 2007, 199 people were sentenced to death and 33 executed. In 2008, at

⁸ Iraq executes 10 prisoners for terrorism, CNN international edition, 11 November 2012, <http://edition.cnn.com/2012/11/11/world/meast/iraq-executions>

⁹ European Parliament, Parliamentary Questions, 11 December 2012, Question for written answer to the Commission (Vice-President/High Representative), Rule 117, Fiorello Provera (EFD), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2012-011305+0+DOC+XML+V0//EN>

¹⁰ Responding to human rights report, UN official calls on Iraq to end executions, UN News Centre, 19 December 2012, <http://www.un.org/apps/news/story.asp?NewsID=43812#.URUZx6Ow70c>

¹¹ Lisa Hajjar, professor of sociology at University of California Santa Barbara, <http://www.aljazeera.com/indepth/features/2012/09/201291081633731250.html>

¹² <http://www.dartsocietyreports.org/cms/2012/01/can-iraq-abolish-the-death-penalty/>

¹³ Reidar Visser. Is the Iraqi Presidency an Appellate Court? 06/08/2011 <http://gulfanalysis.wordpress.com/2011/08/06/>

least 285 people were sentenced to death and at least 34 were executed. The actual figures could be much higher as there are no official statistics available.¹⁴

Iraqi Prime Minister Nouri al-Maliki and other Iraqi government ministers, including the minister for human rights defend the use of the death penalty.¹⁵ More than 900 people, including 17 women, were thought to be at risk of imminent execution in Iraq at the end of 2009. Furthermore, according to the then Minister for the Interior, Jawad al-Bolani, in relation to terrorism offences alone, there are 14,500 persons who have been convicted; however, the numbers of those serving life sentences in addition to those who have been sentenced to death has not been publicly revealed. According to a 2011 UNAMI report, 1145 people were sentenced to death from 2003 to 1 December 2010.¹⁶

No end in sight

High-level Iraqi authorities deny any wrongdoing in the carrying out of executions. Iraqi Minister of Justice Hassan al-Shammari has reaffirmed that the ministry will continue carrying out the execution of “terrorists” in order to avenge the families of the martyrs and victims. With 1,400 people on death row international action is needed.

Recommendations by the NGOs signatory to this statement:

- Appoint a UN Special Rapporteur for the Human Rights situation in Iraq.
- That the High Commissioner present a detailed report to the Council on the human rights violations in Iraq documented in UNAMI and other civil society reports.
- The Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on torture, and Special Rapporteur on the independence of judges and lawyers focus on this matter in their reports.
- High Commissioner for Human Rights take further action on this critical issue to ensure that the Government of Iraq comes into line with human rights and international law.
- An independent, international commission to be created and dispatched to fully investigate all of the human rights violations that have been committed in Iraq since 2003.

* The BRussels Tribunal, the 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

¹⁴ "Scores face execution in Iraq six years after invasion". Amnesty International USA. 2009-03-20. <http://www.amnestyusa.org/document.php?id=ENGNAU200903209818&lang=e>

¹⁵ Only in Iraq: human rights ministry supports death penalty, Niqash, 12 April 2012, <http://www.niqash.org/articles/?id=3028>

¹⁶ https://www.cimicweb.org/cmo/ComplexCoverage/Documents/Iraq/UNAMI_HR%20Report_1Aug11_en.pdf

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 Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Plataforma Aturem la Guerra (Stop the War Catalonia), 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, and Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.
