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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
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), Arab Organization for Human
Rights, Indian Movement "Tupaj Amaru", International-
Lawyers.Org, Union of Arab Jurists, non-governmental
organizations in special consultative status, International
Educational Development, Inc., World Peace Council, 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.

[01 September 2016]

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

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Iraq: New Laws Contradicting Basic Principles of Human Rights

Banalisation of the death penalty

In the immediate aftermath of the three terrorist attacks carried out in different districts of Bagdad on 3rd July 2016, leaving more than 300 people killed and over 246 injured, the Iraqi Prime Minister ordered the Ministry of Justice to take the appropriate measures in order to expedite the implementation of the death penalty of inmates convicted of terrorism¹. The same day, on 4th July 2016, the Minister of Justice issued a statement declaring that five prisoners had been executed, in an apparent act of retaliation. He also stated that his office was taking measures to speed up the implementation of death sentences by shortening to 30 days the time the President has ratified a death sentence.

On 21st August 2016, in one single day, 36 persons were executed in application of this new bill.

These developments took place in the general context of threats expressed by militia leaders and political parties to unilaterally and illegally expedite executions, while requesting that those responsible for any delay in the carrying out of death sentences be punished.

With the ratification of the amendment to the Criminal Procedure Code No. 23 of 1971 and of "a series" of death sentences, Iraq is fully equipped to remain amongst the top 3 executioner states in the world and to compete for the highest position of this deplorable ranking. According to the amendment, the Ministry of Justice will proceed with the execution after one month from the time the court has delivered the judgement and without waiting a ratification decree from the president if he didn't issue one during the said month.

Such amendment will only serve as a cover for further human rights violations and to advance sectarian interests. In these circumstances, UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, expressed his concern that "*fast-tracking executions will only accelerate injustice*"².

It is already well established that the Iraqi judicial system does not adhere to any of the basic international standards required for a fair trial. It has been repeatedly condemned for accepting confessions extracted under torture and issuing death sentences based on secret informants and anonymous denunciations. It is widely reported that those individuals charged with terrorism charges are routinely deprived of the right to an effective defence and exposed to the worst forms of inhuman treatments while languishing in horrendous conditions of detention. Moreover, the Iraqi Anti-Terrorism Law No. 13, providing the legal basis for the issuance of sentences of capital punishment for terrorism related crimes, is systematically misused by the Iraqi authorities in order to dispose of critics, often seemingly on a sectarian basis.

On 13th July 2016, the Iraqi President released an official announcement in which it is explained that he ratified new death penalties, without providing the number of people concerned nor any information or evidence regarding the alleged crimes. Such lack of transparency and fairness, in particular when it comes to the issuance and implementation of capital punishment, is greatly disturbing. The situation is even more urgent that 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.

¹ On 23 of July 2016, Prime Minister Haider al-Abadi ordered the formation of a committee "to determine the obstacles and causes that result in the delay in the implementation of death sentences," a statement said. The committee is to make recommendations to "speed up the ratification of those sentences and their implementation," it said (<http://pmo.iq/press2016/23-7-2016001.htm>)

² Statement of UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, dated on 1st August 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20324&LangID=E>

The incorporation of militias into Iraqi military forces

In another disturbing decision, the Iraqi government has officially incorporated the militia organization called *Popular Mobilization Front* (PMF) as an independent military formation into Iraq's security forces. According to the spokesman of the Office of the Prime Minister, Iraqi Prime Minister Haidar al Abadi decided on 26th July 2016 to establish the *PMF* as a permanent and separate security entity. This decision implements the Office Order 91 issued by the Prime Minister on 24th February 2016.

The *PMF* was created in June 2014 after the Iraqi military and police forces were overwhelmed by the Islamic State in northern, central and western Iraq. Cleric Ali al-Sistani, described as the spiritual leader of the Iraqi Shia Muslims, then called out for Iraqis to support the collapsing security forces. Thousands responded to the call and joined the newly constituted militia umbrella organization, later called *al-Hashid al-Shaabi*, as well as several pre-existing Iraqi militias, including the *Badr Brigades*, created and supported by Iran.

According to Office Order 91, *al-Hashid al-Shaabi* will be an independent military formation and a part of the Iraqi armed forces, linked to the general commander of the armed forces. The formation is supposed to act in a manner comparable to the current, both in terms of organisation and affiliation. This means that, as a counterterrorism apparatus, it skirts the regular military chain of command and reports directly to Iraq's Prime Minister.

In these respects, it is noteworthy that the Iraqi army, security forces and police units were all dissolved in the first days of the occupation in 2003. Following this immediate dissolution, Paul Bremer, American Governor in Iraq, re-established new units. However, they were mainly composed by the aforementioned militias coming from Iran and other neighbouring countries. This decision has had a notable and negative impact on the attitude of the members of these groups. Allegations of grave violations against the civilians living in the areas under their control flourished. Thus, by officially establishing *al-Hashid al-Shaabi* as an independent military formation, Office Order 91 will only further the overwhelming domination of the militia groups over the Iraqi governmental forces.

The decision of the Iraqi Prime Minister to establish *al-Hashid al-Shaabi* as an *independent military formation* is deeply disturbing. It establishes the *PMF* as a parallel security organization to Iran's *Islamic Revolutionary Guards Corps* (IRGC). The precedent of the *IRGC* in Iran gives a clear idea of how *al-Hashid al-Shaabi* will expand its influence. Even more worrying is the fact that notable *PMF* commanders have publicly expressed their affinity for Iranian supreme leader, Ali Khamenei, and the head of *IRGC's Quds Force*, General Qasem Soleimani. In concrete terms, Office Order 91 will establish Iraq's own *IRGC* and, at the same time, institutionalize Teheran's influence in the country.

Most of the aforementioned militias were created, trained and funded by Iran. Thus, all of them hail from the same religious branch and their sectarian behaviour is as indisputable as worrying. The militia organization is, in fact, well known for its strong sectarian beliefs and its brutality against other components of society, especially the Iraqi Sunni community. Despite the *PMF's* claims that it is not a sectarian organization, it has been consistently and widely reported that the brigades have been targeting the Sunni component of the Iraqi population. In these circumstances, it is impossible to rely upon them to ensure the protection and security of the civilian population in Iraq and it appears totally aberrant to integrate them into the Iraqi security forces.

It has to be noted that contrary to what Iraqi authorities are claiming, these acts are not isolated events. They are part of a policy of widespread and systematic violence, largely based on sectarian motivations. Testimonies collected from people who managed to escape from the militias confirmed that they were targeted because of their religious background. Survivors confirmed that within the many militias taking part in the massacres, there are also members of the *Iranian Quds Forces*. This last fact highlights once more the sectarian motivations behind these crimes.

The militia groups currently benefit from total impunity for all the crimes they have and continue to commit. The Iraqi government, tacitly complicit, did not take any measure in order to bring to justice the criminals and to prosecute them accordingly³. It is to fear that by incorporating the *PMF* into the regular security forces, it will further secure the *de facto* immunity granted to the militias so far. By officialising the position of *al-Hashid al-Shaabi* as an independent military formation of the Iraqi army, the Order will impede any future criminal proceedings.

We, NGOs Signatories to this statement recommend to the UN Human Rights Council and its relevant bodies to:

-Pressure the Iraqi government to put an end to the current impunity granted to the leaders and members of *al-Hashid al-Shaabi* and to bring all the perpetrators to justice.

-To do anything in their respective mandate to dispatch an independent mission of inquiry to investigate into all violations committed by the militias, in particular concerning the allegations of extrajudicial, summary or arbitrary executions, torture and other cruel, inhuman and degrading treatment, arbitrary detention and enforced disappearance, and to include these issues into their respective next reports.

-Denounce these new violations to Iraqi obligations under international human rights law and to urge the Iraqi government to put an end to the enactment of such measures promoting hatred and divisions within the Iraqi society instead of reconciliation and peace.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, General Arab Women Federation, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, Association of Iraqi Diplomats (AID), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), Women Will Association (WWA), Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), International Society of Iraqi Scientists, Children of Iraq Association (UK), 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, NGO(s) without consultative status, also share the views expressed in this statement.

³ The precedent masquerades of al-Hawija (2013), Jurf al-Sakahar (2015) and Diyala (2016) are good examples of the so-called *impartial* investigations carried out by the authorities. Accountability remains absent and Office Order 91 does not augur anything better.