

Executive Summary

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During the first and second Universal Periodic Reviews (UPR) in 2010 and 2014, Iraq was criticized for its violation of core human rights treaties ratified by Iraq. At the end of both reviews Iraq declared its commitment to their international obligations and to the advancement of human rights protections, yet little has changed in these past nine years. In fact, the situation has worsened. In the past four years, Iraq has increasingly promoted the use of the **death penalty** as a tactic to target minority groups and innocent civilians, has not only allowed but promoted the use of **torture and ill-treatment** to further their political agenda, and as a result, has **destroyed cities** across the country and failed to rebuild cities and protect citizens displaced by conflict.

Despite the international community urging Iraq to abolish the **death penalty**, Iraq has increasingly used capital punishment, and was one of the top 3 executioner states. Secret executions take place on a daily basis, and often citizens are deprived of their right to a fair and free trial. Not only this, but Iraq took further steps to make the process easier to conduct executions through an amendment that removed the necessary procedures of the President to review each case on death row.

The use of **torture and ill-treatment** has grown immensely in the past few years and has been utilized to target minority groups under the pretext of fighting ISIS, as has the death penalty. Groups fleeing persecution are often easy targets for harsh treatments and disturbing psychological abuse by government sponsored militia groups and US-led coalitions.

In the past four years, **cities in Iraq** have undergone immense destruction, including historical and cultural heritage sites. Those forced to flee their homes have had little chance of survival, as camps set up are insufficient to house the number of refugees forced to flee. The government has provided little to no aid, allowing for a humanitarian crisis to develop in Iraq. The government has repeatedly failed to protect its citizens and conduct much needed repairs to the cities destroyed by conflict.

Death Penalty

In Iraq, capital punishment is heavily used. Although, the government received a large number of recommendations during both the first and second UPR reviews to stop using the death penalty, they still continually use it for a wide range of offenses that cannot be considered as serious crimes. The Iraqi government has constantly misused the death penalty in order to attack against innocent civilians. In addition, Iraq's Anti-Terrorism Law No. 13 often serves as a legal ground for death sentences, which the Iraqi government has abused. It has become an established fact that the majority of those condemned to death have been deprived of fair trials and/or legal representation. The Iraqi government does not intend to abolish the death penalty or halt executions, which is also often used as a tool to silence political opposition.

For example, in 2016, a wide number of instances showcase the abuse of capital punishment rulings by the Iraqi government. Iraqi president Fuad Masum, authorized several batches of death sentences against innocent civilians convicted on terrorism charges. The president's authorization of the deaths of innocent civilians was based on the intent to eliminate political opponents on the basis of ethnicity. Most convicts were found to belong to geographic areas of similar ethnic identity, such as Al-Anbar, Nineveh, Salah Al-Deen and Diyala. Clearly, the Iraqi government uses charges of terrorism as a cover in order to justify the death sentences in question.

Also, in July of that year, the President ratified a new amendment to the Criminal Procedure Code No. 23. This amendment worked to expedite the implementation of death sentences, which was specifically intended to allow for the immediate killing of 36 detainees in August. Those executed were convicted of terrorist charges after the killing at Camp Speicher by the Iraqi government. However, strong sources note that many of those blamed were prosecuted on the sole basis of their geographical origin and sectarian background. What is also crucial to note is that often political leaders and pro-government militias are heavily involved in the "trials" of those convicted. This amendment completely altered the system of how an execution was to be carried out. The President no longer has the authority under this new amendment to review death sentences or provide clemency. Because the President is no longer able to review each case, executions occurred on a much faster basis.

In total in 2016, Iraq was one of the top three executioner states in the world. Out of over 500 detainees sentenced to death, 160 of them were sentenced under the charges of terrorism. The Iraqi Judicial System also does not adhere to the basic international standards required for trial, and accepts inadmissible confessions extracted under torture. More often than not, defenseless civilians are subjected to executions by the Iraqi police. Arresting, detaining and sentencing hundreds of civilians while denying the basic rights for a fair trial are a direct violation of basic human rights laws.

Recommendations:

- Put pressure on the Iraqi government to allow a dispatch an international mission led by the United Nations to investigate all cases of death sentence already carried out and those

awaiting implementation in a transparent and just manner in accordance with international standards.

- Pressure the Iraqi government to repeal the amendment (of 12 July 2016) to the Criminal Procedure Code No. 23 of 1971. This amendment is now being used as a legal basis for expediting executions in disregard of the due process of law and in the right of appeal of the convicted persons.
- Pressure the government to allow the right to fair trial and to stop convicting and punishing innocent civilians for political purposes.
- Pressure authorities to immediately stop implementing death sentences all together, as recommended by the majority of states from the first and second UPR cycles.

Torture and Ill-treatment

The continued widespread use of torture is a recurring human rights challenge in Iraq. Violence has not only dramatically worsened; it has become common in Iraq. Due to corruption and misconduct the Iraqi government failed to establish security in the country. The advancement of the Islamic State in 2014 and the subsequent war on terror have exacerbated the suffering of the population. The Iraqi government, supported by the pro-governmental militias and international US-led coalitions, have not only failed to protect innocent civilians against abuses, but have also worsened the situation on the ground by allowing the security forces and militias to commit these brutal abuses.

In June 2017, a video was published showing Iraqi officers beating, torturing and arbitrarily killing alleged ISIS fighters in Mosul. These men were blindfolded with their hands tied behind their backs, beaten with whips and metallic cables, and suffocated by the soldiers. This is just an example of the ill-treatment usually applied by the Iraqi forces and security units against innocent people. Often, these alleged terrorists are simply defenseless civilians. The Iraqi governmental forces and their affiliated militias will torture, arbitrarily detain, execute, and commit other forms of barbarous attacks against the innocent. Prisoners and alleged terrorists do not receive a fair trial and are continually slaughtered in the streets.

Falah Aziz, a member of the Iraqi police, also known as the “Beheader,” beheaded 50 people and killed 130 people in total. Aziz’s profile picture on Facebook shows him holding a bloody knife. The brutality and illegal actions of the Iraqi police force are clearly evident. The Iraqi security forces have acted in complete disregard of international humanitarian law and have committed heinous human rights violations during all campaigns.

Furthermore, displaced populations have often been subjected to ill-treatment and torture in nearby military camps. Those fleeing Fallujah, which was destroyed by the military operations conducted by the Iraqi government with the support of the US and al-Hashd al-Shaabi militias in May and June 2016, were subjected to heinous treatments at nearby military camps. Treatment included verbal and psychological abuse, disturbing practices of torture, including stabbing with knives and other weapons, and beatings. Iraqi police officials and some army leaders physically participated in the executions of innocent people who were escaping. According to those who

survived, civilians were slaughtered, burnt alive, and summarily executed in batches on the claims of allegedly belonging to ISIS. The government failed to set up adequate shelters and camps to welcome civilians fleeing the city. The Iraqi government has still failed to take the steps to prevent the massacre even after the High Commissioner requested that civilians be protected and perpetrators be held accountable.

Civilians across cities in Iraq face similar situations in regard to ill-treatment and torture. For example, in the of Ain al-Tamur, residents are often harassed and arbitrarily arrested by militias. On 26 November 2016, when the Iraqi parliament approved the law recognizing the Al-Hashd al-Shaabi as a legal and separate military corps, these armed Shi'ite militias became legitimized as a state-sanctioned entity. As a result, Sunni groups face increased risk of human rights violations by the militias.

Recommendations:

- Enact a comprehensive international program of action to protect innocent civilians from torture in Iraq.
- Dissolve all the militias as they have proved to be unreliable and extremely dangerous for the civilian population.
- Dispatch an independent commission of inquiry to investigate all torture and ill-treatment of civilians committed by the militias and security forces.

Destroyed Cities

The military operations conducted by the Iraqi government with the support of the US and al-Hashd al-Shaabi militias have caused thousands of civilian casualties, massive displacements of population, and have destroyed cities across Iraq. The ineffectiveness of the Iraqi government to protect the displaced people from violence, and its unwillingness to rebuild cities reduced to rubble, showcases the failures of the Iraqi government.

In May and June of 2016, the city of Fallujah was subjected to heavy shelling and indiscriminate bombings and airstrikes, resulting in hundreds of civilian casualties. The government has failed to protect civilians from unsafe conditions in times of war. In June 2016, 1000 people were kidnapped by the militia in one day and are still missing today. The government has still done nothing to release them. From our sources, we have compiled a list of 643 persons kidnapped by the Al-Hashd Al-Shaabi militias in Saqlawiya, and we have noticed that the abducted men and boys all belong to the same families and tribes, which proves the sectarian agenda. The extent of the suffering of the civilians and the atrocity of the violations committed is impossible to deny. Several prominent Iraqi figures even acknowledged the situation, including Chairman of the Anbar Tribe Council, Mr. Rafia Abdulkarim Al Fahdawi; a Member of the Security Committee in the Anbar Governorate, Mr. Rabih Barakat Al Isawi; and the Major of Fallujah, Mr. Sa'doun Al Sha'lan. The concern expressed by these prominent figures confirms that they acknowledged and knew about the situation, however they still did not take action to protect the displaced people.

In terms of the remains of the city itself, Fallujah is still rubble. The government failed to repair buildings or healthcare facilities. Water, gas and sewage disposal have still not been reinstalled. People have very little access to basic services, food and clean water, causing the city to be uninhabitable. People rely on the help of only the few donors and charities that are available in order to survive. Due to the inability of the government to set up adequate camps for the displaced people, hundreds are forced to live in inhumane conditions and are often forced to sleep in open air under harsh weather conditions.

Within the framework of fighting ISIS, Mosul is yet another city that has been destroyed by the Iraqi government and militias. Not only this, ISIS is used as a pretext for killing civilians, specifically Sunni Muslims, who are a minority of the population. The battle for “liberation” of Mosul from ISIS, initiated in October 2016, resulted in an astonishing number of civilian casualties. The death toll threatens to rise as the Iraqi governmental forces, with the support of the U.S. coalition, continue to indiscriminately bombard civilian-inhabited areas. The majority of the destruction of Mosul was not in fact by ISIS forces, and instead the majority was through attacks and bombardment of the US-led coalition forces, where the main destruction was caused by air strikes, a weapon that ISIS does not have.

Mosul is a very important cultural and heritage city, and unfortunately the careless actions by the Iraqi military and the Coalition forces have resulted in irreparable damage to these historical sites. Hundreds of archeological sites were destroyed, in addition to 9 out of 10 hospitals, 76 health and medical facilities, 400 educational institutions (universities, education centres, and schools), and 63 places of worship. Infrastructure destroyed included 4 electrical plants, 5 major bridges, and 6 water purifying systems. The businesses destroyed included 29 hotels, 212 oil refineries, and 250 factories (including agro-industries). The destruction of roads, bridges, water and sewage systems, in addition to the health and educational systems, have a dire impact to the well-being of the citizens. More than 3 million citizens have been displaced, and those surviving are still in danger. While fighting in Mosul was brought to a halt in July 2017, there are still about 6000 bodies left under the rubble.

Recommendations:

- Uncover the fate of the disappeared and provide redress to their families.
- Dispatch an independent commission of inquiry to investigate all violations committed during all “liberation” campaigns by the militias and the security forces that cooperate with them.
- The UN High Commissioner must take urgent measures to protect those displaced by the destruction of their homes and violent conflict.
- All member states must adopt a new strategy to eradicate ISIS and ensure that innocent civilians are not targeted.
- An appropriate degree of humanitarian assistance must be ensured to aid those displaced from conflict.
- Compensation must be made available to people that have lost their homes and property due to destruction.