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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 XX1, the United Towns Agency for the North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Arab Organization for Human Right (AOHR), the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, the International Federation of University Women (IFUW), the Organisation Mondiale des Associations pour l’Education Prénatale (OMAEP), the World Wide Organization for Women (WOW), non-governmental organizations in special consultative status;

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

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]

Violations of freedom to peaceful assembly and association in the Republic of Iraq*

The rights to freedom of opinion, expression and of peaceful assembly are fundamental rights. These rights are outlined in Article 19 of the Universal Declaration of Human Rights¹, which states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media”; Art. 20 (1) of the Declaration: “Everyone has the right to freedom of peaceful assembly and association”; Art. 21 of the International Covenant on Civil and Political Rights²: “The right of peaceful assembly shall be recognized”, and Human Rights Council Resolution 15/22³ of 6 October 2010 calling upon States to “respect and fully protect the rights of all individuals to assemble peacefully and associate freely.”

This statement focus on the violations committed in Iraq by government authorities and military officials on the Iraqi people’s right to freedom of opinion, expression and freedom of peaceful assembly and association.

A people’s call for basic rights

For years the people of Iraq have been subjected to continuous grave human rights violations and failed provision of government services. Frustrated with living in fear and in constant violation of their most basic human rights, citizens took to the streets to demand that their rights be restored. Their call for action came in the form of peaceful demonstrations, which first took place on 25 December 2012 in Al-Anbar province. Since their onset, the demonstrations have expanded with regards to geography, occurring in cities throughout the country, and in attendance, with hundreds of thousands of demonstrators taking part. In certain cities, such as Samarra and Tikrit in Salah-al-province, the demonstrations take place on a daily basis.

Demonstrators’ demands

The first protests were to demand the release of female detainees, which according to reports were being subjected to rape, torture and other inhumane treatment, however, as the demonstrations have grown; so have the demands. They now encompass a range of issues including: the release of all women prisoners detained under Art. 4 of the Anti-Terrorist law; that all individuals participating in the rape of women prisoners be held publicly accountable; the immediate release of fellow protestors; the abolition of anti-terrorist laws; an end to the use of the death penalty; the cessation of random night raids without legal warrant; the ban of the use of sectarian criteria as a basis for state employment; the provision of security to all citizens, and the end of financial, administrative and legal corruption.

Government’s response to the peaceful demonstrations

At the political level, on 16 January 2013, several members of the current government established a joint committee tasked with studying the demonstrators’ demands, but aside

¹ Available at: <https://www.un.org/en/documents/udhr/>

² Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

³ Available at: <http://daccess-ddny.un.org/doc/UNDOC/GEN/G10/166/98/PDF/G1016698.pdf?OpenElement>

from the fact that many of those taking part have been involved in mass human rights violations before, up to this day the committee has not yielded any results.

Despite the existing international human rights norms and standards protecting the right to freedom of expression and peaceful assembly, Prime Minister Nouri Al-Maliki and his authorities have responded to these peaceful demonstrations with violence. As early as 1 January 2013, Prime Minister Maliki gave an interview where he warned groups, in particular scholars, dignitaries, sheiks and other Iraqis, against continuing demonstrations. He referred to the demonstrations as “fetid” and clearly and directly threatened demonstrators assuring them that if they did not stop the demonstrations, the government would force them to⁴. This is exactly what Maliki and his forces did at Al-Hawija and what they have been doing since the onset of protests. In their attacks, forces have injured, killed and arrested hundreds of demonstrators, violating the right to life and the right to be protected from arbitrary detention. Attacks have been increasing in frequency and more importantly, in brutality. This brutality reached its climax on 23 April 2013 in Al-Hawija. This report includes three examples of the government’s actions against demonstrators.

Attack in Mosul

On 4 and 7 January 2013, Iraqi army officers opened fire on demonstrators. Atheel Al-Nujaifi, Governor of Nineveh province confirmed the fact that security forces used batons and shot at demonstrators in an attempt to disperse them. Army officers also pursued and used weapons against people attempting to reach the demonstration at Al-Ahrar square in Mosul⁵.

Attack in Fallujah

Demonstrations have been taking place regularly in Anbar province, including Fallujah. On 25 January 2013, a sit-in demonstration ended in several deaths and injuries. On this occasion, army forces opened fire on demonstrators, killing seven and injuring an additional 60. Two of those injured later died from their injuries bringing the total deceased to nine. Soldiers claim that they fired live rounds into the air, which unintentionally killed demonstrators, but other witnesses claim that the soldiers shot directly at the protestors.

Massacre in Al-Hawija

On 23 April 2013, under the direct orders of Al-Maliki, peaceful protestors, who were authorized by the mayor of Kirkuk to hold demonstrations, were ambushed by Army and SWAT forces. Proof that the attack was premeditated abounds. Forces also began taking action against protestors in the days leading to the attack. On Friday, 19 April, forces blocked all roads leading to the protest square in Al-Hawija and fired at protestors, near the Silo Checkpoint, killing one and injuring four. Medical treatment was withheld from those injured. Also, for four days prior to the ambush, demonstrators were surrounded by army troops sent by Al-Maliki, who prevented all access to food, water and medical aid. At 5 a.m. on 23 April 2013, Army and SWAT forces surrounded the camp and ambushed protestors using live ammunition, trucks and helicopters. They shot at demonstrators directly and indiscriminately and hosed them down with extremely hot water.

According to local sources, a total of 200 demonstrators were killed or wounded. There are 60 confirmed deaths, but the true number of casualties may well exceed this since there are

⁴ The interview can be seen at: <http://www.youtube.com/watch?v=q1ihgG2TjIw&feature=youtu.be>

⁵ The video from Al-Jazeera Arabic showing this is available at:
<http://www.youtube.com/watch?v=6b0ybuS5hAQ&feature=youtu.be>

reports of several people missing. Aside from those wounded and murdered, dozens of demonstrators were also arrested. Further, there is also irrefutable evidence that military officers executed demonstrators that were wounded and handcuffed. This evidence comes from sources like Raken Sayd, Deputy Governor of Kirkuk, who stated that many people were executed after having been arrested,⁶ and medical examiners. Reports from Azadi General Hospital, where 34 bodies of persons that had been arrested during the attack were transferred showed, upon medical examination, that many had been executed with a gunshot to the head after having been previously wounded.⁷ High ranking officials of the 12th Division of the Iraqi Army who were present alongside SWAT forces at Al-Hawija have themselves confirmed that SWAT forces executed many wounded⁸ and ran over protesters with their trucks.

Government officials claim that the demonstrators were armed and opened fire on military officers, which then responded to the attack by returning fire. However, numerous witness accounts have confirmed and sustain that the protestors were not armed. One of the most important testimonies supporting the demonstrators' innocence is that of Minister of Education Mohammed Tamim, who lost 38 relatives in the attack and resigned immediately after the atrocities.

Mr. Tamim was in direct negotiations between the demonstrators and the government and maintained constant communication with Prime Minister Maliki and Defense Minister Al-Dulaimi throughout the night and hours preceding the massacre. It is Mr. Tamim himself who toured the protest camp, with the demonstrator's approval, for three hours. He assures that he never found any evidence of any weapons anywhere. It is important to note as well that demonstrators, although having refused to remove their tents as ordered, were open to negotiations and actually requested to Mr. Tamim that they be granted an extension until 12 p.m. in order to allow them to discuss the situation amongst themselves. When Tamim relayed this request to the army commander, the reply that he received was, "My orders are clear. I cannot give them more time."⁹ Shortly after, at 5 a.m., the ambush was conducted.

Flagrant violations of international law and human rights

What happened at Al-Hawija on 23 April 2013 was a massacre and an act of terror. Military officials were given orders to storm the demonstrators' camp before any genuine negotiations could be carried out and claims that demonstrators were armed and fired at security forces were false and unfounded. Prime Minister Maliki, his government and his military officers committed grave violations of human rights and international law including laws against summary and arbitrary executions; the right to life; freedom from torture and inhumane and degrading treatment or punishment; the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association.

In a report released by the Commission of Inquiry established by the parliament to investigate the events at Al-Hawija, Salim al-Jabouri, Chairman of the Human Rights Commission and member of the Commission of Inquiry, confirmed that involvement of senior Iraqi military officers in the massacre and their having issued soldiers orders to kill. The report also confirmed the specific targeting and execution of the wounded and of critical importance, the fact that the protest area was free of weapons, refuting the government's claim that demonstrators were armed and that weapons had been found on

⁶ <http://www.almokhtsar.com/node/133808>

⁷ <http://kitab.com/ar/page/24/04/2013/11440/%D%85.htm>

⁸ http://www.juhainanews.com/body.asp?field=news_arabic&id=6306

⁹ Information taken from live testimony given by Tamimi which can be found at <https://www.youtube.com/watch?v=jjwsKygYbyw>

the site. As had been reiterated by protest organizers time and again, this event, like the other demonstrations, was peaceful in nature. The only crime committed by the thousands gathered at Al-Hawija on that fateful day was that of demanding that the most basic of their human rights be respected.

There are no indications that these flagrant violations of human rights will be stopped soon. Prime Minister Maliki has appeared on television almost on a daily basis since the Hawija massacre reiterating his view that the demonstrators are terrorists and reaffirming that Army forces will not evacuate the cities where protests are being held and that they will put an end to all demonstrations. Further, a week after the Al-Hawija massacre, Iraqi authorities cut off internet and phone communications and suspended licenses for ten media channels, including "Al Jazeera".

Recommendations by the NGOs signatory to this statement

- The High Commissioner for Human Rights takes public action to ensure that the events of Al-Hawija are not repeated and that those responsible for and involved with the massacre be held accountable and brought to justice.
- An international, independent mission be established to investigate the attack in Al-Hawija and previous attacks on peaceful demonstrators.
- The Special Rapporteur on extrajudicial, summary or arbitrary executions conduct an in-depth investigation into the arbitrary killing of demonstrators in Hawija and those killed at previous demonstrations
- The Special Rapporteur on freedom of peaceful assembly and association report on the case of threats, intimidation, violence and attacks on peaceful demonstrators in Iraq
- The Special Rapporteur on freedom of assembly and association transmit an urgent appeal to Prime Minister Al-Maliki regarding the massacre at Al-Hawija and attacks on peaceful demonstrators, and that he include the events in Iraq in his report to the Human Rights Council
- A Special Rapporteur on the human rights situation in Iraq be appointed by the Human Rights Council.

* 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 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, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.