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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 Union of Arab Jurists, the General Arab Women Federation (GAWF), the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the International Association of Democratic Lawyers, the United Towns Agency for the 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, the International Federation of University Women (IFUW), the Organisation Mondiale des Associations pour l’Education Prénatale (OMAEP), the World Wide Organization for Women (WOW), the Arab Lawyers Union, non-governmental organizations in special consultative status, the World Peace Council, the Indian Council of South America (CISA), the International Human Rights Association of American Minorities (IHRAAM), 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.

[11 February 2013]

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

The death penalty in Iraq 2003-2013*

The arbitrary killing of people, also when it is committed behind a smokescreen of flawed legal processes, is not solely a matter of domestic concern. Iraq should take note that the international community will take strong exception to a continuation of its flagrant disregard of the norms applicable to the protection of the right to life. Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions.¹

The exact number of people executed in Iraq between 2003 and 2013 is unknown, yet the rate and numbers of executions which took place rose constantly following the invasion. The increasing rate of executed people shows the disregard of the Iraqi authorities toward the most fundamental human rights, as well as its contempt regarding the numerous calls expressed by many United Nations officials regarding the use of death penalty in the current context.

In 2012, Iraq executes at will

In 2012, Iraq has come in third in the bid for the highest number of executions and finds itself atop the podium of the champion Executioner-States of the world.

The UNAMI report of June 2012 reveals that during the first 6 months of year 2012 alone, Iraq executed at least 70 persons, including two females. It also stresses that this number is sharply higher than in previous years; 67 executions in 2011 and 18 in 2010.

The same report describes the Iraqi justice system as lacking integrity; abuses of due process, convictions based on forced confessions, corruption and trial proceedings that do not respect international standards. The report 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 day²

On 24 January 2012 High Commissioner for Human Rights Navi Pillay stated in a news release that she was shocked and called on the country to institute 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,” she added. “Most disturbingly,” said Ms. Pillay, “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.”

The High Commissioner also urged the Government “to halt all executions and, as a matter of urgency, review the cases of those individuals currently on death row.”

The death penalty can be imposed in Iraq for around 48 crimes, including a number of non-fatal crimes such as – under certain circumstances – damage to public property.

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

¹ Death Row / Iraq: UN expert strongly condemns on-going executions, reiterates call to halt them, UNOHCHR Press Release, 30 August 2012, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12468&LangID=E>.

² <http://www.un.org/apps/news/story.asp?NewsID=41019>.

information about these cases, which the United Nations representative said “are part of a regrettable pattern.”³

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 in a statement. “And this is in a single province of the country.”

On 27 August 2012, Iraq executed 21 people in a single day, including three women

Two days later, five more detainees were put to death. The Iraqi authorities did not disclose any information about their identities and the charges against them. The Special Rapporteur on extrajudicial, summary or arbitrary executions in a United Nation Press Release dated 30 August 2012 in which he talked about that particular issue stated that “any death sentence undertaken in contravention of a Government’s international obligations in tantamount to an arbitrary execution”, and that he was “appalled about the level of executions in Iraq”.

He noted that the continued lack of transparency about the implementation of the death penalty in Iraq, and the country’s recent record, raises serious concerns about the question of what to expect in the future.⁴

On 7 October 2012, Iraq executed 11 people, including an Algerian citizen, bringing the number of people executed in 2012 to at least 113⁵

On 30 November 2012, the Iraqi authorities executed 10 people, including an Egyptian citizen. Joe Stork, deputy director of the Middle East and North Africa division at Human Rights Watch, said in a statement last month that “The Iraqi authorities’ insistence on carrying out this outrageous string of executions, while unwilling to reveal all 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.”⁶

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.⁷

³ 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/.

⁴ Death Row / Iraq: UN expert strongly condemns ongoing executions, reiterates call to halt them, op.cit.

⁵ Iraq executes 11 people despite international outcry, BBC news Middle-East, 7 October 2012, <http://www.bbc.co.uk/news/world-middle-east-19864130>.

⁶ Iraq executes 10 prisoners for terrorism, CNN international edition, 11 November 2012, <http://edition.cnn.com/2012/11/11/world/meast/iraq-executions>.

⁷ European Parliament, Parliamentary Questions, 11 December 2012, Question for written answer to the Commission (Vice-President/High Representative), Rule 117, Fiorello Provera (EFD),

On 19 December 2012, the United Nations High Commissioner for Human Rights, 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”.⁸

Death penalty as an “intentional state terror”⁹

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.

Furthermore, the terrorism law offered amnesty and anonymity to al-mukhbir al-sirri, (secret informer) who report alleged terrorist activities. Because of the false reports of the “secret informer,” many have been arrested without real offences and many have wrongly been executed. Detainees are tortured and forced to confess crimes or terrorist acts during pre-trial interrogations, confessions they later denounce in court.¹⁰ 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 in part based on a desire by Shiite Islamists to have a presidential deputy that would be prepared to sign execution orders if president Talabani might be reluctant to do so.¹¹

*In 2006, at least 65 people were executed. In 2007, at least 199 people were sentenced to death and 33 executed. In 2008, at least 285 people were sentenced to death and at least 34 were executed, according to a report from Amnesty International dated 20 March 2009. The actual figures could be much higher as there are no available official statistics.*¹²

Iraqi Prime Minister Nouri al-Maliki publicly called for the execution of all members of the previous Ba'ath administration of Saddam Hussain, and other Iraqi government ministers also defended the use of the death penalty, including the Iraqi Human Rights minister.¹³ More than 900 people, including 17 women, were thought to be at risk of imminent execution in Iraq at the end of 2009. They had reportedly exhausted all forms of appeal and their death sentences were said to have been ratified by the Presidential Council.¹⁴

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2012-011305+0+DOC+XML+V0//EN>.

⁸ 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>.

⁹ Lisa Hajjar, professor of sociology at University of California Santa Barbara, <http://www.aljazeera.com/indepth/features/2012/09/201291081633731250.html>.

¹⁰ <http://www.dartsocietyreports.org/cms/2012/01/can-iraq-abolish-the-death-penalty/>.

¹¹ Reidar Visser. Is the Iraqi Presidency an Appellate Court? 06/08/2011 <http://gulfanalysis.wordpress.com/2011/08/06/>.

¹² "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>.

¹³ Only in Iraq: human rights ministry supports death penalty, Niqash, 12 April 2012, <http://www.niqash.org/articles/?id=3028>.

¹⁴ Amnesty International. The death penalty in the Middle East and North Africa in 2009 <http://www.amnesty.org/en/death-penalty/death-sentences-and-executions-in-2009/mena>.

The number of persons executed in 2009 was 124 persons - four of whom were women. 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 UNAMI report of January 2011, the number of persons sentenced to death from 2003 to 1 December 2010 numbered encompassing 1106 men and 39 women

UNAMI was able to confirm the observations made by many NGOs that the participation of attorneys, when present, is largely nominal. Several defendants, particularly those accused of serious crimes, testified to having suffered abuse at the hands of the police during the investigation phase in order to extract confessions.¹⁵

Recommendation by the NGOs signatories to this statement:

- Ensure that all human rights violations in Iraq since 2003 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.
- Request the Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on torture, and Special Rapporteur on the independence of judges and lawyers to focus on this matter in their reports.

¹⁵ 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.

* 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.
