



# General Assembly

Distr.: General  
6 September 2021

English only

---

## Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement\* submitted by International  
Organization for the Elimination of All Forms of Racial  
Discrimination, Association Ma'onah for Human Rights and  
Immigration, International-Lawyers.Org, Union of Arab  
Jurists, United Towns Agency for North-South Cooperation,  
non-governmental organizations in special consultative  
status, International Educational Development, Inc., World  
Peace Council, 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.

[22 August 2021]

---

\* Issued as received, in the language(s) of submission only.



## **A Call to End Impunity in Iraq**

### **Introduction**

This statement aims to bring the desperate call of the Iraqi youth to end impunity in Iraq to the attention of the Human Rights Council. The NGO signatories to this statement hope this allows United Nations members and relevant bodies to support the call by taking actions to bring all perpetrators of human rights violations in Iraq to justice and end impunity in the country.

Iraq fosters a dangerous and widespread lack of accountability due to its corrupt sectarian system of government and dysfunctional judicial system. On a daily basis, citizens are arbitrarily arrested, kidnapped, tortured and extrajudicially executed, and without necessary measures to hold perpetrators accountable, these violations could continue indefinitely. The targeting of journalists, civil society workers and activists has also become common. It is well-documented by NGOs and UN bodies that the perpetrators of these crimes are mainly the government security forces and government-backed militias, especially the Popular Mobilization Forces (PMF) or as called in Arabic, al-Hashd al-Sha'abi.

The absence of accountability for these crimes motivated the Iraqi youth to launch a campaign with the main purpose of "Ending Impunity in Iraq." On 18th of July 2021, numerous Iraqi youth took to the streets of the main cities in Iraq and around the world in peaceful protest, demanding that all perpetrators of killings and human rights abuses of dozens of pro-democracy activists be held accountable and brought to justice.

The NGOs signatories to this statement have been addressing the violations in Iraq and been bringing them to the attention of UN human rights bodies. In this direction, this statement comes to support the call of the Iraqi youth and to call on the UN and the Human Rights Council to take positive steps towards ensuring justice for victims of gross human rights violations and ending the status of impunity in the country. It is crucial that the international community shows its support for the Iraqi youth campaign and takes all necessary and adequate steps to end impunity. In this regard, we hope that the Human Rights Council will address the human rights situation in a thorough manner. Unfortunately, so far there are no real discussions on the human rights situation in Iraq and that is another factor that will allow the violations we have seen in the past 18 years to continue into the future.

### **Background: The Iraq War**

The root of most of Iraq's problems can be traced back to March 2003, when the United States of America, the United Kingdom of Great Britain and Northern Ireland, and other coalition members illegally invaded the Republic of Iraq and subsequently occupied the country. The Iraq War was based on lies and false pretenses and was initiated without the authorization of the Security Council, thereby breaching the UN Charter and committing a serious violation of international law.

Since 2003, these forces conducted a large amount of deliberate, unnecessary and extreme damage and destruction in Iraq that had direct and indirect effects on the population, in particular those most vulnerable: innocent civilians, women and children. These forces conducted their so-called "War on Terror" in indiscriminate and unimaginably brutal ways, leaving the country in a state of chaos. Tireless bombings destroyed thousands of private and public buildings, including civilian homes, hospitals, schools, shops and businesses. Consequently, the public sector, particularly education and healthcare, unavoidably deteriorated. The Iraqi government and international coalitions further worsened the situation on the ground by allowing security forces and militias to commit brutal abuses.

Despite the official withdrawal of United States forces in December 2011, the consequences of the occupation remain and human rights abuses in Iraq have dramatically aggravated over the past few years: the successive Iraqi government used brutal measures against opposition politicians, detainees, demonstrators and journalists, effectively shrinking the civil society space and political freedoms. In this context, we call on relevant UN bodies to dispatch an

international, independent investigation commission to prosecute human rights violations committed since 2003. This is the only way to achieve true justice in Iraq.

## **A Dysfunctional Judicial System**

The unauthorized US-led invasion of 2003 had enormous consequences on the Iraqi judiciary. Occupying powers imposed a foreign legal system on the Iraqi people that led to the adoption of a new constitution and a fundamental change of all laws. The Coalition Provisional Authorities (CPA) appointed new judges, based on their support for the invasion regardless of their qualifications, while US and British advisors replaced national legal officers. These changes deeply affected the effectiveness of the judicial system in Iraq and compromised its legitimacy. The Coalition Provisional Authority (CPA) dismantling of state institutions, including the army and security forces, resulted in a sectarian government based on torture, enforced disappearances, abuse, rape and abductions. Systematic violations of due process and fair trial system by Iraqi authorities along with the expedited nature of trials raises concerns about the fairness of death sentences issued by Iraqi courts. The politicization, corruption and lack of independence of the judicial system make it extremely difficult to investigate the crimes committed, thus providing a shelter of complete impunity for human rights violations.

## **Human Rights Violations against Protesters**

Since October 2019, widespread protests have called to dismantle Iraq's sectarian system of government, which discriminates according to ethnic quotas, whose corrupt members fuel systematic human rights violations. The demonstrators have developed a different vision for Iraq, which should be a nation for all its citizens, regardless of their ethnic or religious or sectarian backgrounds, and that the government be a truly democratic and sustainable political system.

The government responded to these demonstrations by committing serious violations of international human rights law, including excessive uses of force, arbitrary detentions and related ill-treatment and torture with the purpose of extrapolating false confessions that often result in the assassination of innocent people. Furthermore, a growing number of demonstrators, human rights defenders and journalists have forcibly disappeared. It is almost certain that the abductions and killings are being carried out by the Popular Mobilization Forces (PMF), specifically the Kata'ib Hezbollah, the Asa'ib Ahl al-Haq, and the Sadrist Movement (Saraya al-Salam) militias. Since October 2019, over 1,000 protesters have been killed, more than 700 abducted, while over 25,000 have been injured, around 4,000 of whom are left with permanent disabilities.

Repeatedly, the Iraqi government failed to take action to bring perpetrators of abuses against demonstrators to justice, despite numerous announcements made. Demonstrations pressured the Prime Minister to resign and a new one (Mustafa al-Kadhimi) to be appointed in May 2020, who too failed to investigate abuses. More than once, the Iraqi government has announced it established fact-finding committees to investigate into violence and killings during the demonstrations with the purpose of providing compensations to the families of the victims, but no tangible progress has been made.

## **Conclusion and recommendations**

The activities conducted by the Iraqi government breaches its international obligations. The incapability to protect protesters and activists from acts of violence carried out by armed groups within the Iraqi territory could amount to violations of the right to life, physical integrity and security, as well as the prohibitions of enforced disappearance, torture and ill-treatment.

In light of the persisting human rights abuses in Iraq, it is imperative that the international community and, in particular, the UN Human Rights Council, acknowledges and recognizes in its deliberations that the ongoing situation in Iraq is of increasing international concern, as

the crimes committed by various actors are in clear, absolute and undoubted breach of human rights laws. There is an imperative need for an intervention by the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Iraq and all relevant UN human rights bodies in order to concert international action to dissolve Iraqi militias and hold all perpetrators accountable for their crimes.

We, the NGO signatories to this statement, recommend that:

- The United Nations exerts pressure on Iraqi authorities to cease all attacks, threats and intimidation of peaceful demonstrators;
- The United Nations exerts pressure on Iraqi authorities to meet international obligations to investigate the killing, injury, abduction, disappearance and related ill-treatment and torture of demonstrators and ensure that perpetrators are prosecuted and punished;
- The United Nations exerts pressure on Iraqi authorities so that its government ensures that individuals investigated and prosecuted for alleged offences committed in the context of demonstrations enjoy all procedural safeguards and fair trial guarantees;
- Due to the failure of the Iraqi government to investigate and prosecute all alleged violations that have occurred in Iraq, the United Nations should establish an international, independent commission of inquiry, which shall be completely free from interference by the Iraqi government to investigate the above reported crimes and hold those responsible, as we believe would be the best approach;
- The Human Rights Council takes all the necessary steps to appoint a Special Rapporteur for the human rights situation in Iraq.

---

Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Brussels Tribunal, The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), Organization for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.