



# General Assembly

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## Human Rights Council

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

[16 May 2017]

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

GE.17-08652(E)



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## **Iraq: State Executions\***

This statement is intended to bring attention to Iraq's arbitrary and widespread use of the death penalty and extrajudicial executions. The number of people executed in Iraq continues to rise every day, and in many alarming cases, prisoners are put to death in mass executions.

In 2013, the former UN Commissioner for Human Rights, Navi Pillay, described this situation by saying "executing prisoners in batches like this is obscene, it is like processing animals in a slaughterhouse."<sup>1</sup> Yet despite this powerful condemnation about Iraq's appalling actions, the government has not yet changed its policy.

So today, in May 2017, Iraq's condemned prisoners continue to be rounded from their cells in large groups, to be put to death in mass summary executions which continue to demonstrate that the right to life is not a right respected by the Iraqi government.

### Iraq's Culture of Fear

The Iraqi government uses the death penalty and extrajudicial executions as tools of political repression, to eliminate political opponents, and to maintain a reign of terror over the Iraqi population at large.

These arbitrary and widespread state executions constitute an integral part of the systematic repression felt in Iraq, which the government has used to sustain its rule. This repression is further characterised by arbitrary arrests, large-scale "disappearances", indefinite detention without trial, and custodial deaths caused by torture.

While the international community continues to condemn this culture of fear, and Iraq's use of the death penalty, the government has on numerous occasions declared it will not halt executions. Instead, the number of executions is in fact increasing, with the government justifying this by arguing they are "fighting terrorism."

### The "Terrorism" Pretext

Since the adoption of the Anti-Terrorism Law No.13 of 2005, the majority of state executions have been justified by the pretext of "fighting terrorism." This legislation legalises capital punishment for anyone who commits a terrorist act, or is accused by the government of financing, provoking, planning, or enabling such acts.

Under this law, a person can be sentenced to death on any one of 48 charges, including not necessarily lethal, and extremely vague acts, such as "threats which aim to bring about fear among people." This gives Iraqi officials broad justifications for implementing the death penalty. In addition, this same law provides secret informers with both amnesty and anonymity if they report alleged terrorist activities. This has given the Iraqi authorities the opportunity to fulfill sectarian motives, and rid themselves of opponents, by using this notorious law to arrest, detain and sentence hundreds of innocent civilians to death, on the basis of false and fabricated reports.

This pretext of "fighting terrorism" is also being used to excuse the behaviour of the Iraqi security forces and pro-government militias during the so-called "liberation" campaigns of cities taken by ISIS. In the most recent attempt to free Mosul from ISIS, the brutality of the security forces has been demonstrated in the photos and videos which have appeared online. These graphic videos show men either in Iraqi security force uniforms, or wearing the insignia of the militias, carrying out beatings and summary executions on the streets of Mosul. In one of the films, the person filming encourages a group of men in Iraqi federal police uniforms, as they viciously beat four men in civilian clothes, drag them down a road, and execute them with machine guns.

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<sup>1</sup> UN News Centre, 'UN rights chief condemns multiple executions in Iraq as 'obscene' (19 April 2013) <http://www.un.org/apps/news/story.asp?NewsID=44706#.WRMxpCN97ow>

These summary executions happen every day in Iraq, with information on the ground making it clear that far from being affiliated to ISIS, the victims are pursued on a sectarian basis.

### State Executions

Iraq has a weak judicial system, plagued by corruption, which frequently bases convictions on coerced confessions. This means that trial proceedings fail to meet international standards, allowing these executions to be based on discriminatory and sectarian motives - putting the lives of many innocent people under threat.

In a joint report by UN Assistance Mission to Iraq (UNAMI) and the UN Office of the High Commissioner for Human Rights in 2015, grave concerns were expressed about the right of defendants to be represented by a lawyer, their right to be given adequate time to prepare a defence, the misuse of anti-terrorism legislation in cases unrelated to terrorism, and the judicial response to torture allegations.<sup>2</sup> In fact, the report found the Iraqi system permits the torture of detainees to force confessions, which judges then rely upon to charge the accused. The report stated that “in all cases the presiding judge failed to order any investigation into the torture allegations and did not question the defendant further about the matter.”

This situation makes it clear that Iraq has a blatant disregard for human rights, including the right to life. In 2016, Iraqi courts handed down 92 death sentences in just six weeks. These trials were grossly unjust, and failed to comply with international fair trial standards, with most defendants claiming to have been tortured into confessing the crimes. In one trial in 2016, 47 individuals accused of the Speicher massacre were all tried at the same time. This mass expedited trial demonstrates not only Iraq’s grossly unfair trial system, but also how the government uses “fighting terrorism” to justify mass executions. Again, in January 2017, another mass execution of 31 men occurred in one day. These men were also tried for their alleged role in the Speicher massacre. Their “confessions” which were extracted under serious allegations of torture, resulted in guilty convictions following a speedy and deeply flawed trial. This made it the second time in six months the Iraqi government had carried out a mass execution, on the basis of terrorism, after an unfair trial.

### Secret Executions

While state executions in Iraq have attracted widespread attention, many of its executions are not publicly known. This means that the real number of executions in Iraq is much higher than official numbers.

In thousands of cases, Iraqi security forces arrest and detain individuals without giving them or their families any information about the arrests, where the detainee is being held, or on their physical or mental condition. Instead, the Iraqi security forces deny that the specific individual has ever been arrested. These detainees are then kept in secret prisons, with the number of such detainees increasing dramatically since 2014, as a consequence of the campaign against ISIS. It is important to note that these arrested people are, in most cases, not terrorists, but abducted on a purely sectarian basis.

As their arrest and detention is not publicly known, those who are arbitrarily detained are highly vulnerable to abuse by the security forces, who deny them of any right to justice or accountability. Most often, these detainees are executed in secret, and their bodies are found days, weeks, or even months later, with signs of obvious torture and execution. This practice of ‘secret execution’ vastly increases the number of deaths caused by capital punishment and demonstrates the abuse of the death penalty.

### Recommendations

This alarming situation shows that the calls for Iraq to stop conducting summary executions, and respect the right to life, have been flatly ignored. As a result, the international community must take action to see that Iraq upholds the human rights standards it has pledged to - ending the use of state executions which are so plagued with arbitrariness, prejudice, and error.

<sup>2</sup> UN Assistance Mission to Iraq (UNAMI) and the UN Office of the High Commissioner for Human Rights Report on the judicial response to allegations of torture in Iraq , Baghdad February 2015

We, NGOs Signatories to this statement recommend:

- The international community should do all in its power to pressure the Iraqi government to halt executions and stop any future use of the death penalty.
- The appointment of a UN Special Rapporteur for Iraq.
- That the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers focus on these matters in their future reports to the Human Rights Council.
- The creation of an independent international commission to fully investigate all of the human rights violations committed in Iraq since 2003.
- An investigation into the Anti-Terrorism Law No.13 of 2005, and whether it contravenes international legal standards.

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\*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), Kuala Lumpur Foundation to Criminalise War, NGOs without consultative status, also share the views expressed in this statement.