



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

**Joint written statement\* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status, International-Lawyers.Org, the International Organization for the Elimination of All Forms of Racial Discrimination, Organisation Mondiale des associations pour l'éducation prénatale, the Union of Arab Jurists, 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.

[31 May 2016]

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

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## Iraq: The Grave Humanitarian Crisis Continues

### Introduction

The situation in Iraq is rapidly deteriorating. Since the U.S.-led 2003 invasion and subsequent occupation, the country has witnessed a dramatic decline in all aspects of life, leading to the total collapse in the economic, social, political and cultural rights that its citizens.

Iraqis are today living in very unstable conditions and an increasingly big portion of the population lives in extreme poverty, with mortality rate being at the rise.

Following years of bombing, infrastructures and public buildings, such as hospitals, clinics and schools, had been permanently damaged. The widespread corruption of the new system installed by the Coalition Forces has also contributed to the dramatic deterioration of the Iraqi education and healthcare systems, which were once known for their prestige and efficiency.

Additionally, the situation is made even more critical by the growing presence and importance of militia organizations that, after the dissolution of the Iraqi army by the Coalition Provisional Authority (CPA) in 2003, have been progressively seizing control of the armed forces.

Militias have also grown in number and influence following the takeover of the so-called Islamic State of Iraq and Syria (ISIS) of certain areas in 2014. In this context, various religious and political leaders called on young citizens to volunteer into such groups under the pretext of fighting against terrorism.

With such pretext, militias have been carrying out systematic attacks on the population on the basis of sectarian ideologies<sup>1</sup> and proceeding to the murdering of thousands of people, who they claimed were alleged terrorists, as well as the destruction of entire cities. Such crimes were not punished or discouraged by the government: on the contrary, they enjoyed its full support.

In light of such a critical security situation the Iraqi citizens have been peacefully demonstrating to call for change. The demands have been met with violence by the government, which has been killing, injuring and threatening protesters.

All of this is made possible by the presence of an extremely flawed legal system which does not guarantee accountability and justice for its citizens, thus allowing a perpetual state of impunity for the perpetrators, who find themselves completely immune from prosecution.

### Violent Reprisal of Peaceful Demonstrations

As mentioned in our introduction, the deteriorating economic and security situation, as well as, the constant violations of human rights at the hands of the government and the militias, which systematically carry out attacks on citizens, in the form of arbitrary arrests and executions, torture, enforced disappearances, etc... have resulted in a widespread discontent among Iraqi people. The increasing political stagnation along with the corruption of the legal system has progressively pushed people to peacefully demonstrate against the government, in demand for change.

Too often, though, such peaceful protests are met with threats and intimidation, as well as, violent reprisal by the security forces and affiliated militia organizations and too many times they have ended in blood.

The latest episode of the oppressive response of the government to peaceful demonstrations occurred on Friday 20<sup>th</sup> May 2016, when protesters stormed the Green Zone, for the second time in three weeks, to demand immediate reforms.

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<sup>1</sup> The sectarian discourse became prevalent in Iraqi politics after the 2003 occupation. As a result, the society increasingly identified itself into different sects. Sectarian ideologies, fostered by political and religious leaders, were soon adopted by different militia organizations which used them as a reason for committing violence and promoting hate.

The demonstration ended with the killing of four protesters and the wounding of about 110 other persons. Only two days later, the Iraqi Prime Minister announced the army would carry out a military campaign against ISIS in Fallujah. Perhaps this synchronization confirms that the authorities want to divert attention away from the demands of the demonstrators and their chronic failure to respond to the loud cries of the Iraqi people, which are simply calling for improvements to their living conditions and for their basic rights to be restored after they have for far too long been neglected.

The attacks on peaceful protests have increased since 2013, and resulted in several massacres<sup>2</sup> around the country.

These violent episodes are in clear breach of international law and human rights law, and prevent Iraqi citizens from exercising their right to peaceful assembly and association, enshrined in Article 20 of the UN Universal Declaration of Human Rights.

### **Military Campaigns of "Liberation"**

We fully agree with the global outrage over the monstrous crimes perpetrated by ISIS but insist that necessary measures to defeat and eradicate the influence of ISIS must be undertaken with full respect for international humanitarian law and not to worsen the sectarian divisions in Iraq.

Since the takeover by the so-called Islamic State of Iraq and Syria (ISIS) of some major cities in Iraq in 2014, pro-government militias have increasingly been growing in size and power in an alleged attempt to fight the terrorist group. Backed by the Iraqi government, they have been carrying out, together with the official armed forces, deadly attacks on the cities claimed to be under ISIS control, within the framework of military operations of "reconquest". However, such campaigns have mostly targeted civilians resulting in the killing of hundreds of innocent people trapped in the areas as well as the complete destruction of entire cities and surrounding neighbourhoods and villages.

Cities "liberated" so far, such as Ramadi, Tikrit, Baiji, Amerli and Jurf al Sakhar, have proved, in fact, that the devastation went beyond the murdering of civilians: a common practice for militias was to enter villages and cities and proceed to loot, burn, and destroy private properties, shops and business, other public buildings, such as healthcare centres or schools, and even the already little amount of farmland families might have owned.

The purpose of militias is to make sure that the families will not be able to go back to their homes, and hence they destroy until they become completely inhabitable. This, in turn, underlies that the crimes are being conducted with the purpose of creating displacement and demographical change, purely on sectarian basis and particularly against the "Sunni" component of the Iraqi society.

In this context, fighting ISIS has given the authorities the pretext to justify such attacks and has provided them with a cover in front of the international community.

The latest "liberation" campaign, as mentioned in the previous paragraph, has started in Fallujah on the 22<sup>nd</sup> May 2016. The result of the aerial bombardment carried out on the first day of the attack has been the death of civilians, including 11 members of one family, according to official Iraqi sources. During the next day (Monday, 23<sup>rd</sup> May 2016), Fallujah Teaching Hospital declared to have received the bodies of 10 victims (including five children and three women), as well as 25 wounded (including twelve children and eight women). On Tuesday 24<sup>th</sup> May 2016, the toll reached 16 civilian deaths and more than 40 injured, mostly children and women. While the casualties among civilians are on the rise, the Fallujah Hospital has also been repeatedly bombed by aerial missiles, on Wednesday 25<sup>th</sup> May 2016 and Thursday 26<sup>th</sup> May 2016, causing several damages to the building as well as the destruction of essential medical equipment.

<sup>2</sup> It is worth remembering the massacre in Hawija, on 23 April 2013, where militias and armed forces attacked peaceful demonstrators and killed 54 people and wounded more than 150 as well as the carnage at the mosque of Sariya in Baqooba on 17 May 2013, where the militias attacked peaceful demonstrators and people while they were praying, which resulted in 42 deaths and 60 wounded.

The attack has been supported by U.S. air cover as well as Iranian military advisors, which have provided arms and weapons. This is certainly highly controversial, since the foreign support has somehow given the attack more legitimacy before the eyes of the international community, despite the killing of civilians. While the ISIS “jihadists” most times manage to escape the cities uninjured, those who really pay the price of such deadly campaigns are the innocent residents, living under continuous threats of attack. It is fundamental to remind that such operations are in flagrant violation of the rules of international humanitarian law and the Geneva Conventions, especially the 1949 Convention (IV) relative to the Protection of Civilian Persons in Time of War, as well as, a breach of the rules of international human rights law.

### **The Crime of Ethnic Cleansing**

As mentioned previously, pro-government militias are in the process of carrying out indiscriminate attacks on the population on sectarian and ethnic basis, while always hiding behind the pretext of fighting terrorism. Recent campaigns have seen “Sunni” Arabs as the major target of the militias’ fury. The strategy, which is fervently supported by the government, aims at displacing this component of society and “clean” certain areas from their presence.

Such policies constitute an appalling crime which can be classified as “ethnic cleansing”, a crime against humanity, according to international law.

The implementation methods through which the cleansing is achieved are many and they are all equivalently grave and unjustifiable. They include the complete destruction of cities, as we have discussed in regards to the military “liberation” campaigns, as well as summary or arbitrary executions of people, individually or in group, at times in front of their relatives or at times after being kidnapped. The victims might also be arbitrarily arrested and detained in secret prisons where they get systematically tortured<sup>3</sup>, on the sole accusation of allegedly belonging to ISIS.

Intimidation, threat, harassment and abuses also occur on a daily basis and they result in huge waves of displacement. Today, at least 4 million people have been estimated as displaced in Iraq, and the number is only due to increase unless such attacks are stopped.

Particularly concerning is the situation in the Diyala province which is witnessing an unprecedented increase in the displacement and killings of “Sunni” Arabs since the beginning of 2016. In addition to mass killings, the evidence and testimonies derived from the facts on the ground confirm that widespread cases of house demolitions and looting are taking place, along with the burning and desecration of mosques and the humiliation and insulting of imams and preachers.

The authors of this crime are Badr militias, the Saraya Al Salam militias<sup>4</sup> and Hezbollah militias. These organizations, which now control the province, have taken advantage of the tense situation to seize control of all its resources, and prevented a large number of citizens, who were forced to leave because they were targeted by ISIS or anti-ISIS forces, from returning to their homes.

### **Conclusions and Recommendations**

In light of the serious deterioration of the economic, social, political and cultural rights of Iraqi citizens, including the increasingly concerning human rights abuses against civilians and the collapsing security situations, which are a result of the action carried out by terrorist groups as well as and pro-government militias affiliated with the security forces, we call the international community, and in particular the United Nations Human Rights Council, to take several urgent actions in order to address the grave humanitarian crises as well as the breaches to international law and human rights law occurring in Iraq, including the following steps:

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<sup>3</sup> Torture is prohibited under the 1987 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Iraq has ratified on 07 Jul 2011.

<sup>4</sup> Formerly Mahdi army militia.

- To insist on the Iraqi government to stop military campaigns which causes mass destruction of cities and causes grave harm to and displacement of civilians.

-To insist on the Iraqi government as well as its allies, engaged in the so-called “war against terrorism” to immediately implement an alternative approach which fully complies with International Law and Human Rights Law, including the Law of War, and the strategies for preventing and combating terrorism adopted by the UN.

-To insist on the Iraqi government stop its reprisals against peaceful demonstrations and genuinely start listening and addressing the demands for change of the Iraqi citizens.

-To improve the delivery of humanitarian aid in accordance with the effective needs of citizens, especially to those people residing in cities where the military campaigns have been carried out as well as to IPDs and to the most vulnerable and poor.

-To dispatch an independent mission of enquiry to investigate into all the violations committed in Iraq.

-To appoint a Special Rapporteur on the human rights situation in Iraq.

Geneva International Centre for Justice (GICJ) The Arab Lawyers Association- UK The Brussels Tribunal The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation 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. NGO(s) without consultative status, also share the views expressed in this statement.