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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
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), Indian Movement "Tupaj
Amaru", International-Lawyers.Org, IUS PRIMI VIRI
International Association, 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.

[28 May 2018]

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

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Freedom of Expression and Association in Iraq*

On the occasion of the World Press Freedom Day on the 3rd of May 2018, the Director-General of UNESCO, Audrey Azoulay, stated that; ‘The ideal of a State under the rule of law calls for well-informed citizens, transparent political decisions, public debates on topics of common interest and a plurality of viewpoints that shapes opinions and undermines official truths and dogmatism. This shaping and informative power mainly falls to the press and the media in general, under all their guises and through various mediums.’

Freedom of opinion and expression, and the right to freedom of peaceful assembly and association are cornerstones to a democratic society. These rights are established in article 19 and 20 of the Universal Declaration of Human Rights and article 19 and 21 of the International Covenant on Civil and Political rights. Both of these treaties are signed and ratified by the Iraqi government and thus the country has an international obligation to comply with these rights.

The freedom of expression and association are vital in any well-functioning political system and should therefore be protected at all costs. In Iraq however, these freedoms are often not respected. This statement is intended to focus on the restriction of these vital rights in Iraq.

Situation in Iraq

The Iraqi government unabatedly continues to severely infringe on its citizens’ fundamental rights, including freedom of expression and association, which are essential to the democratic debate. There are numerous cases of violence used against peaceful protestors and kidnapping of activists, journalists and demonstrators. NGOs signatories to this statement continue to see the tendency of the Iraqi government and armed groups to shut democratic space and to hinder citizens’ basic freedoms.

Journalism

Directly after the US-led invasion of 2003, Iraq became the most dangerous place for journalists. Journalists were often targeted and killed by the US military. A perfect example of this misconduct was the attack on the office and residential compound of the Arab TV network Al-Jazeera, by two American missiles.¹ The invasion and subsequent occupation of Iraq resulted in the death of a record number of journalists; it was the deadliest war for journalists recorded in history. During the occupation, more journalists were murdered in targeted killings than that died in combat-related circumstances.²

When ISIS controlled a big part of the Iraqi territory, ISIS was suspected to be the biggest threat to the lives of journalists in Iraq. But even the defeat of ISIS does not keep journalists from fearing for their lives. Predicted by local journalists, the emergence of militias, censorship, and sectarianism poses a threat in a post-ISIS Middle East.³ Militias active in Iraq are often responsible for the kidnapping of journalists and human rights defenders. They even openly admit to these offences by explaining that they kidnap people for writing articles against the militias, their leaders, and their “holy” activities in the media. None of these armed groups tolerate criticism and none of them are held accountable for their actions against journalists or other critics. These abductions are clearly acts of intimidation against anyone who might criticize the militias. Moreover, this is a demonstration of the violent closure of democratic space in Iraq. Despite frequent reports of cases of abuses and repression, the Iraqi government continues to infringe upon its

1 P. Knightley, “Turning the thanks on the reporters”, The Guardian, www.theguardian.com/media/2003/jun/15/broadcasting.Iraqandthemedia.

2 D. Jamail, “Iraq: The deadliest war for journalists”, Al Jazeera, www.aljazeera.com/humanrights/2013/04/2013481202781452.html.

3 I. Delgado Culebras, “Islamic State Recedes but threats to journalists in Iraq and Syria remain”, <https://cpj.org/blog/2017/12/islamic-state-recedes-but-threats-to-journalists-i.php>.

citizens fundamental rights, including freedom of expression and association. The Iraqi government allows the militias to threaten and commit violent actions against civilians, while enjoying total impunity.

Journalists active in areas which were ‘liberated’ from ISIS continue to be cautious and apply self-censorship, because of their fear of the brutality of militias and of being accused of terrorism. It is clear that the end of ISIS does not change much for journalists in the country. If journalists would be granted more access to information they could play a vital role in Iraq’s struggle against corruption. But currently, journalists face threats and murder if they uncover instances of corruption. There is a need for legal protection of journalists, which is currently lacking. The lack of protection for journalists and the climate of (self)-censorship is preventing the media from playing a vital role in the reconstruction of Iraq.⁴

The current situation forces Iraqi journalists to live with uncertainty, never knowing whether the threats to their lives and livelihoods will be carried out. Therefore, while the Iraqi Constitution stresses the right to freedom of expression, in reality, the detention, prosecution, and violence against independent journalists shows that freedom of press is nothing but non-existent.

Freedom of assembly

To date, Iraq continues to be one of the most perilous countries for activists, journalists and dissidents. Unfortunately, it has become a trend that every protest will end in violence. The government continues its heinous and corrupt practices in utmost impunity, while the participants in rallies are expected to abide by the law – even though the government itself is not respecting its national and international commitments related to the protection of freedom of expression, freedom of movement, and freedom of assembly and peaceful association. In recent years, the Iraqi government has forcibly shut down democratic space by silencing all those who criticize its actions and policies. The use of excessive force and brutality against innocent civilians, human rights defenders, journalists, and activists has become violent trends, perpetrated in an appalling climate of impunity.

Even though Iraqis have a constitutional right to freedom of assembly, in practice, this right is frequently restricted - and those who protest against the government do so at their own risk. The Iraqi authorities continue to block and disrupt peaceful demonstrations, which civilians use to protest against corruption and to demand greater civil and political rights. In general, the demonstrations are a response to the increased frustration with the deteriorating conditions that Iraqis are forced to live with on a daily basis. The government is not only using violence to discourage demonstrators, they increasingly are using the “fight against terrorism” as a pretext to punish those involved in peaceful protests. The broad application of the Anti-Terrorism Law No. 13 of 2005, that permits the detention and punishment of those suspected of terrorist activities, provides a legal ground to detain peaceful protestors. By alleging peaceful protestors are terrorists, governmental authorities have been provided with an excuse to target, attack and arbitrarily arrest, detain and execute innocent civilians who profess any kind of anti-government rhetoric.

These actions of the Iraqi government, and its security forces, show a clear failure to abide by Article 38 of Iraq’s constitution, which guarantees the right to “freedom of assembly and peaceful demonstration/protest”. Moreover, the ruthless attacks against the peaceful civilian demonstrators by government forces are in serious violation of a number of fundamental human rights.

The Iraqi government has proved unable, or unwilling, to ensure protection and to respect the fundamental rights of its citizens. The climate of impunity surrounding these illegal practices, including attacks against civilian properties and abduction of journalists and human rights defenders, perpetrated by governmental forces must end.

Recommendations

4 I. Delgado Culebras, “Islamic State Recedes but threats to journalists in Iraq and Syria remain”, <https://cpj.org/blog/2017/12/islamic-state-recedes-but-threats-to-journalists-i.php>.

We, NGOs signatories to this statement recommend:

- Relevant UN bodies open an independent investigation into the allegations that the Iraqi government and its forces have abused the right to freedom of expression and opinion, and the right to freedom of assembly.
- The international community to undertake all measures to ensure that Iraq protects and guarantees the right of individuals to demonstrate peacefully, and stops the targeting of human rights defenders, journalists, and peaceful activists.
- An independent commission of inquiry to investigate all human rights abuses in Iraq, including the violation of the right to freedom of expression and the right to peaceful assembly.
- Ensure journalists are protected against harassment and violence while performing their duty, and that all allegations of such harassment or violence are promptly and thoroughly investigated, and those responsible are held accountable.
- The UN Human Rights Council should appoint a Special Rapporteur for the human rights situation in Iraq.
- There should be a country visit to Iraq from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Women Solidarity for an Independent and Unified Iraq, Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), 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, NGOs without consultative status, also share the views expressed in this statement.