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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by the Union of Arab Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2015]

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

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The Human Rights situation in Iraq

Introductory:

In June 2014, the global community has, once again, redirected its attention towards Iraq and its appalling humanitarian situation. It is abhorrent, to say the least, that much of which that demanded the attention of the international community prior to this were left largely ignored. It was not until the sudden and abrupt rise of the Islamic State of Iraq and Syria known as (ISIS), along with their powerful takeovers of cities such as Mosul, Tikrit, Tal Afar and Baiji, that the international community slowly began to pay heed to the desperate calls of innocent Iraqi civilians. In response to the situation, the United States of America initiated another string of military intervention by conducting airstrikes against targets they claimed to belong to (ISIS), while other European states are granting humanitarian aid to besieged Iraqis and promised to provide weapons to the beshmarga Kurdish forces.

On 1st September, 2014, for the first time since the US-invasion in 2003, the United Nations Human Rights Council held its 22nd Special Session under the title “The Human rights situation in Iraq in the light of abuses committed by the so called Islamic State in Iraq and the Levant and associated groups”. At the end of the session, the Human Rights Council adopted resolution S-22/1 requests the UN Office of the High Commissioner for Human rights to dispatch an investigation mission to Iraq. The report of the Mission is due at the 28th session in March 2015.

The Human Rights Situation:

The human rights situation in Iraq has deteriorated since early January 2014. During this period, the government responded brutally against Iraqi demonstrators who protested against the Iraqi government due to their corrupted and sectarian-led policies. Many, including innocent women and children, were indiscriminately killed, bombed and shelled. Since then the death toll of civilians increased, the destruction of cities escalated, and consequently this led to the displacement of more than 1500,000 Iraqis.

The crisis worsened further in June, when ISIS attacked the northern part of Iraq, and took over several cities by expelling governmental forces and seizing their weapons and armory. According to the UN mission in Iraq, by February 2015 there are almost 2.2 million Iraqi IDPs caused by the violence. Serious violations by ISIS have included abductions and mass executions, persecution of Iraq's ethnic and religious communities.

Throughout these escalations, the government forces have committed serious abuses, including sectarian mass executions of prisoners, kidnappings and summary executions by security forces and government-backed sectarian militias as well as indiscriminate airstrikes on several civilian neighborhoods. Furthermore, in June the government issued new media guidelines that violate its obligation to protect free expression. Both ISIS and government-aligned militias are using children under 18 in their forces.

Security declined as sectarian tensions deepened. Certain sects of civilians throughout Baghdad, Diyala, and Hilla provinces have been kidnapped and killed by government backed militias over the past six months. The government backed militias were identified by witnesses as Asa'ib Ahl al-Haqq (League of the Righteous). They are active in villages and towns around Baghdad known as “Baghdad Belt”. This escalation of sectarian violence is parallel to the armed confrontations between government forces and insurgents in northern Iraq.

Background of the situation:

The sectarian tensions and grave violations we are witnessing today did not begin merely with the rise of ISIS in June 2014. In fact, it dates back to 2003. The situation today, in many ways, stems as a direct result of the Anglo-American invasion of Iraq in 2003; which implanted the seed of successive sectarian governments that led to Iraq's current crisis. However, the attempt today to make it look as if the onslaught of militant fighters on Baghdad, and the sectarian wars being waged amongst Iraqis, must be decried and halted as they are not, and should not, be the main crises that the international community needs to lay focus on.

For a long time, the international community has remained silent towards human rights violations in Iraq, as no forms of protest were made despite there being some of the most extreme and blatant violations of such laws. When the American occupiers dismantled the Iraqi judiciary system and military forces in 2003, the entire country fell into a disastrous societal vacuum that enabled the chaotic, anarchical situation we are witnessing today. Not an ounce of protests were made against these gross and outlandish violations, including the indiscriminate bombings, shelling and killings of innocent civilians; all of which that have resulted in about two million deaths ever since the invasion and occupation happened.

This bloody background, particularly during the years of American occupation, paved an environment that is ripe for extreme forms of human rights violations to be committed with impunity; a legacy that remained with Iraq's successive "allegedly democratic" governments.

Moreover, the world has also turned a blind eye towards the plight of the Iraqi people when they began to exercise their legitimate right as stipulated under the UN Charter in resisting the invasion and foreign occupation of their homeland.

Furthermore, the desperate calls of millions of Iraqi people who took their protests to the streets from the beginning of 2011 onwards and throughout 2013, demanding an end to the sectarian policies of the government were also ignored.

As the American occupiers utilized the "sectarian divide" to break-up the resistance during the occupation, successive governments have prolonged that legacy to keep the country divided in their plight to retain power. Today the sectarian crisis has reached a stage where no single, standalone government can resolve on its own; it requires the assistance, aid and help from hundreds of experts from around the world and the moral support of the international community to help rebuild Iraq.

The solution as per the international community perception:

Military interventions to eliminate ISIS and the changing of the previous government are the solutions that the international community proposed and aimed for as a remedy to this crisis. But apparently these internationally adopted proposals are not solely adequate to achieve peace and stability for the Iraqi population. These solutions are still based on misinterpretations of the internal crisis and biased political interests.

Nevertheless, replacing the current political system as a whole which embraces the sectarian ideology on constitutional basis is to be considered a first righteous step towards stability and a better Iraqi future liberated from that corrupted regime.

Furthermore supporting the current governments in power and providing them with arms and weapons risks complicating the situation further, as these weapons are used indiscriminately against civilians and insurgents by the governmental forces. This will result in further human rights violations and societal frustration. Therefore arms and weaponry contracts to the current government must be halted to save civilian lives. Such weapons embargo could be used as a tool to force the government to respect the international humanitarian and human rights laws, to endure its responsibility of protecting the Iraqi civilians.

The Solution to the dilemma:

The main issue in Iraq that the international community should focus on is the establishing and installing of a sustainable form of governance; one that is capable of being independent, democratic and fair to all Iraqis. Albeit that this solution remains extremely difficult to achieve in the current time and would take several years to implement, nevertheless it is the only way for Iraq to be unified and progressive. This issue was ignored by the invaders, occupiers and the rest of the international community prior to their rush into war in 2003, which has dismantled any real potential of realizing sustainable regional stability.

It is therefore a gravely miscalculated error to assume that a foreign invasion could have helped Iraq achieve an externally imposed, fully-fledged democracy.

The “imposed” democracy brought to the Iraqi people resulted in nothing more than mass human rights violations, entrenched corruption, and the total collapse of basic services, facilities and amenities.

We call on:

- the Iraqi authorities to undertake genuine actions to ensure the implementation of its international obligations under both international humanitarian law and human rights law;
- the Working Group on Arbitrary Detention, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to visit Iraq and fully investigate all cases of arbitrary detention, torture and ill treatment;
- the UN and the Human Rights Council to ensure that all human rights violations in committed in Iraq during the sanction, and since the 2003 invasion and occupation to be investigated by an international independent body;
- The reinstatement of the position of a Special Rapporteur for Iraq.
