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Universal Periodic Review

Written statement* submitted by Maat for Peace, Development and Human Rights Association, 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.

[04 February 2020]

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



Universal Periodic Review of Iraq

Preamble

On November 11, 2019, the Iraqi human rights file was subjected, for the third time, to evaluation and follow-up before the Human Rights Council's Universal Periodic Review (UPR), despite the Iraqi delegation's assertion that it worked to establish a mechanism to monitor and implement the recommendations presented to it during the previous Review in October 2014. The Council received, during this review, 229 recommendations, only 175 of which were accepted and the remaining 54 were taken note of. However, Maat for Peace, is deeply concerned about the lack of implementation of these recommendations by the Iraqi authorities.

Therefore, we hope the Iraqi authorities to support the recommendations made during the 3rd Review Session, and to exert further efforts to implement them. 111 delegations from the state council members presented 298 recommendations to Iraq, asking them to take adequate measures to strengthen human rights mechanisms and join a number of International conventions and protocols regulating human rights, as well as activating the exercise of political and civil rights. The rights of women and children also received the attention of most delegations. In light of the political developments taking place in Iraq, coincidentally coinciding with the timing of the Iraq review, Maat for Peace wants to highlight a range of human rights violations, such as restrictions on freedom of peaceful assembly, arbitrary detention, the implementation of the death penalty, and failure to ratify international agreements.

Suppressing peaceful assembly

The right of the people peaceably to assemble is guaranteed by international conventions and agreements, as well as the Iraqi Constitution, stating in its Article 38 that "The State shall guarantee in a way that does not violate public order and morality, freedom of assembly and peaceful demonstration." Since 2018, Iraq has been rocked by days of protests against corruption, widespread unemployment and poor public services, as well as against the brutality of Iranian-backed PMF militias in Iraq. The Iraqi authorities have supported such militias during their fight against the Islamic State since 2014. However, the Iraqi authorities have responded to the protests with excessive violence, causing deaths and injuries among civilians. Some of the leaders of these protests have also been assassinated and liquidated, especially in Basra Governorate, where popular protests began in July 2018. In September 2018, the human rights defender Souad Al-Ali, who had a leadership role in Basra protests, was assassinated. Human rights lawyer, Jaber Muhammad Al-Karam, was also killed in July 2018 by unknown gunmen, and Al-Karm had a prominent role in defending the arrested protesters in Basra.

In early October 2019, demonstrations calling for the overthrow of the Iraqi government and the lifting of Iranian tutelage over Iraq were also violently suppressed. As to break up demonstrations, Iraqi security forces have used live bullets, water cannons and tear gas. The statistics issued by the High Commission for Human Rights reported that 492 civilians were killed and 23 thousand were injured, as of January 15, 2020, violating the right to demonstrate and the freedom of assembly, provided for in the International Covenant on Civil and Political Rights (ICCPR).

Restrictions on freedom of opinion and expression

In the first half of 2019, the Iraqi parliament introduced the draft "Law on Information Technology Crimes", which imposes strict limitations on freedom of opinion and expression online. Furthermore, journalists and human rights defenders continue to be persecuted and abused. In January 2019, the body of photojournalist Samer Ali al-Hassan was found shot in east Baghdad. And in February 2019, the novelist Alaa Mashzoub, best known for his writings and critical comments about sectarian-based militia practices in Iraq, was

assassinated in front of his house in the city of Karbala. Those working to document enforced disappearances, including members of Alkarama and Al Wissam Humanitarian Assembly, also faced retaliatory measures, including death threat, arrest, and kidnapping.

Additionally, the restrictions imposed on the right to exchange information and access to the Internet, as the Iraqi government resorted to shutting off Internet services several times, as a way to cover up violence against demonstrators, and to cut off all means of communication between protesters. On October 2, 2019, Iraq has cut internet access, causing nationwide connectivity to fall below 70%. The whole matter was repeated on November 4, immediately after the outbreak of the demonstrations, as the service has fallen below 19% , and thus the internet services were totally blacked out in southern Iraq, and all social media sites were blocked for fifty days.

The Iraqi authorities have neglected the implementation of the provisions of the United Nations Charter and the provisions of its constitution. And in this context, we stress the importance of Iraq's commitment to implement the recommendations related to ensuring the right to peaceful assembly and holding perpetrators of all violations related to the excessive use of violence as well as the use of deadly weapons against demonstrators, and ensuring respect for freedom of expression, and the removal of restrictions on access to the Internet.

Arbitrary detention

All international covenants emphasized the need to respect the right to protection from arbitrary arrest and detention, as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights stipulated that no person should be arrested or arbitrarily detained. Although Iraq is a signatory to these agreements, there were many cases of illegal arrests and detentions taking place during demonstrations, as the High Commissioner for Human Rights in Iraq estimated the number of detainees, arbitrarily and unlawfully arrested without charges, by more than 2900 detainees. Detainees were not allowed to contact their families, or to call their lawyers, and a number of them were held outside official places of detention.

Although the Iraqi government released 2.700 of them, others are still in detention. In this regard, we call on the Iraqi government to take all measures guaranteeing the suspension of arbitrary detention practices, especially those related to detention due to political or religious opinions. We urge Iraq to accept the recommendations on strengthening the practices of respecting human rights, which is related to law enforcement agencies and the promotion of human rights, in order to activate the signed agreements.

Abolition of the death penalty

Iraq ranked fifth globally among the world's top executioners in 2018. In August 2019, the Iraqi Minister of Justice reportedly announced that 100 people were executed during the period from January to August 2019, and there are more than 8.000 Iraqi prisoners on death row, putting the abolition of death penalty at the top of the measures demanded by Iraq.

Iraq had received more than 40 recommendations during the Second Review Session in 2014 demanding the abolition of death penalty. The majority of these recommendations had not been supported by the Iraqi government, and only those related to reducing the number of crimes punishable by death, were accepted. More than 20 recommendations, calling for reconsidering the implementation of the death penalty, were made during the last Review of Iraq, and we invite it to accept these recommendations.

Accession to international agreements

Among the 298 recommendations submitted to Iraq in the last Review, there were more than 40 recommendations demanding them to ratify international agreements, withdraw reservations, or ratify their various protocols. We specifically mention recommendations related to the ratification of the "Rome Statute of the International Criminal Court," in order

to enhance the accountability for the gravest crimes recently committed, and to adopt measures ensuring the responsibility for violations of international human rights and humanitarian law.

In recent years, Iraq has witnessed several crises. At the top of which are the crimes against demonstrators, which may rise to "crimes against humanity". In addition to the political developments that has turned Iraq into a proxy war zone between the United States and Iran, and the presence of violations and mutual accusations between the parties, in addition to the crimes committed by armed militias, and the political and economic crises that Iraq suffers from, all these problems are compounded by the absence of a party responsible for investigating and punishing the perpetrators, which is mainly due to the failure of Iraq to sign the Rome Statute of the Criminal Court. Therefore, Maat for Peace believes that the first step in stabilizing Iraq is to investigate these international violations and interventions in Iraq and hold perpetrators accountable.

Recommendations

In addition to the recommendations previously mentioned, Maat for Peace recommends the following:

- Exert more efforts to implement voluntarily accepted recommendations.
- Activate law enforcement agencies to prevent arbitrary detention, whatever the cause is.
- Adhere to all standards allowing citizens to exercise their right to peaceful assembly without being subjected to any arbitrary measures.
- Take immediate actions to suspend and abolish the death penalty, and review previous rulings.
- Sign and join the second optional protocol of political and civil rights.
- Join and ratify all the protocols allowing international organizations to investigate into humanitarian crimes in order to bring justice for victims of these crimes and to achieve the principle of non-impunity as Rome Statute of the International Criminal Court.
