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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 International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights
and Immigration, International-Lawyers.Org, United Towns
Agency for North-South Cooperation, 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.

[01 June 2020]

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

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Iraq: The ongoing plight of demonstrators

Despite the spread of the COVID-19 and subsequent lockdowns and curfews, demonstrations remain strong and the pandemic has not eliminated protesters' demands. Thus, the Human Rights Council must remain vigilant. The new Iraqi government appointed on 7 May 2020, changed its rhetoric and promised ambitious policies, but has yet to put such words into action.

Since the protests began in October 2019, they have been met with a violent and indiscriminate response. During her briefing to the Security Council on 3 December 2019, the Special Representative of the Secretary-General (SRSG) in Iraq observed that the government's response was unprovoked and targeted what was largely a peaceful protest.

Rubber bullets, tear gas canisters used as projectiles, smoke grenades and deadly sniper attacks have been the preferred means of protest control. The most common tactic is to target protestors with tear gas canisters used as projectiles, often aimed at either their heads or chests. We have been informed of security forces beating and stripping protesters of their clothing to humiliate them. In prisons, guards tortured detainees and threatened to hurt their families.

According to the demonstrators' committees, more than 700 protesters were killed and more than 2400 injured from 1 October 2019 to 25 May 2020. There are also numerous cases of arbitrary arrest of demonstrators, and more than 170 cases of enforced disappearances. To intimidate the demonstrators, more than 150 human rights defenders and civil society activists were either assassinated or faced assassination attempts. Most of these cases occur while the activists were returning to their homes from the demonstrations.

At the core of the protests is the ethnic-sectarian quota system. Guaranteed access to government employment and leadership positions remains determined and dictated by a pledge of allegiance to one of Iraq's main factions, and governmental positions, even the highest ones, are auctioned off to the highest bidder. Such a system fosters rampant corruption.

The protests have evolved into a call for a transition to a true democratic and sustainable political system, free from sectarian influences. The protesters are also demanding the end of the Iranian influence within the government and the armed forces. It is crucial for the international community to understand that what is needed and demanded by the protesters is not just a change of Prime Minister but a fundamental change of system, free from sectarian quota.

The second crucial point is that the demonstrators insist that any future government must not include anyone who has participated in the sectarian system of governance since 2003 (ministers, militia leaders, members of the parliament, governors, etc.) as they are all connected to grave human rights violations, including killing and torture, and to a web of corruption that has plundered the country's wealth. If permitted to remain in positions of power, they will continue the systematic human rights violations and corruption that cripples Iraq. These offending individuals must be held to account for their actions.

COVID-19 did not make the problem disappear

The global spread of the COVID-19 has also reached Iraq and has significantly impacted the demonstrations. In March 2020, the demonstrations hit a point of no return as the death toll mounted, and concession became increasingly unlikely. Although restrictions on assembly and lockdowns have been legitimately enacted as tools to mitigate the impact of COVID-19 around the world, they have also had the effect of officially suspending the anti-government protests in late March. Protesters have nevertheless remained strong in the face of adversity. They remain in great numbers in Tahrir Square, relying on donations to purchase disinfectants and protective equipment.

The virus is not the only killer. Reports of assassinations are still coming in, whether committed by militias or government security forces. The Iraqi people have faced hardship for decades and are now faced with a new enemy. In addition to the threats they endure from

the militias and government security forces, protesters are now battling to protect themselves from the virus while fighting for their cause.

For the Iraqi demonstrators, COVID-19 affects humans, not policies. Corruption, human rights abuses, and the sectarian political system remain; the origins of the protests have not simply vanished because of the pandemic. They have even identified corruption and discrimination in the fight against the pandemic. Protestors have found themselves in a precarious situation where the importance of their cause and maintaining its momentum has rendered it their duty to continue protesting. However, they are doing so responsibly through measures to mitigate exposure to the virus and its spread, such as reducing the number of the protesters, and wearing masks, among others.

The New Iraqi Government Invites Caution

It is easy to let our guard down amidst the COVID-19 crisis. The international community did not hesitate to welcome the appointment of the new Prime Minister on 7 May 2020. Indeed, he is not affiliated with any political party and has made many ambitious promises. However, the new Prime Minister is still part of the ruling political class, having served as director of the National Intelligence Services from 2016 to April 2020, an institution that has admitted having illegally detained individuals for prolonged periods of time.

Pledges from “promising” new Prime Ministers are nothing new in Iraq. It is part of the political game. We know very well that healthy skepticism must be maintained until this new government turns its promises into action.

The authors of this statement had hoped that the SRSG would present a concrete plan during her 12 May 2020 briefing to the Security Council, elaborating steps to best assist the Iraqi people, for dissolving the militias, and for holding to account perpetrators of human rights violations. Unfortunately, she reiterated the same persistent bullet points, while praising the new government for its promises and briefly mentioning the need for action.

We call upon the Human Rights Council to remain cautious and vigilant. The international community is needed to help the Iraqi people eliminate all the features of the sectarian quota system of governance. This demand remains a fundamental goal of the Iraqi people throughout the demonstrations.

The Release of Prisoners as the New Prime Minister’s First Test

The fate of detained protesters in Iraq serves as a striking example of a broken Iraqi promise. The High Commissioner for Human Rights, in her 25 March 2020 address, called for States to reduce their numbers of prison inmates. Arbitrary arrests and discriminatory application of Iraq’s penal code, such as Anti-Terrorism Law no. 13 of 2005, have led to overcrowded prisons. The lack of any medical care naturally follows, which facilitates the spread of the novel virus among prisoners on the one hand, and between prisoners and guards on the other.

The High Commissioner has noted that detention facilities are overcrowded in many countries and dangerously so in some cases, which in turn creates unhygienic conditions and a lack of medical care. These elements are prevalent in Iraqi prisons and create the perfect storm for COVID-19 to thrive. Time is running out and the Iraqi population must be protected.

As the High Commissioner pointed out: “Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.” This is especially true concerning detained protesters.

One of the new government’s promises was to release detained demonstrators. However, what seemed to be a reason for optimism has quickly turned into reason for confusion, as the Iraqi Judicial Council declared that it would only release protesters if they had not committed a crime. To make matters worse, the judiciary also declared on 13 May 2020, one day after

the SRSG's briefing to the United Nations (UN) Security Council, that no peaceful protestors were being detained in Iraqi prisons.

The international community must understand the Iraqi judiciary is incapable of holding the government and the militias to account. We affirm that firm words by the Security Council and promises by the new Prime Minister will not achieve stability in Iraq unless all human rights violations are addressed in a comprehensive way and until a special international tribunal is established to bring to justice all perpetrators, especially those responsible for the killing, abduction and torture of peaceful demonstrators.

Recommendations

We recommend that this Council:

- help the Iraqi people achieve their demand to create a new system of governance, free from sectarian quotas through independent and transparent elections;
- follow more closely the fate of Iraqi detainees;
- work towards an efficient and lasting independence of the Iraqi Judiciary;
- recommend to the UN Security Council, the establishment of an international tribunal to bring to justice all perpetrators of human rights abuses, including those responsible for the killings, abductions, and torture of peaceful demonstrators; and
- establish a mandate for a Special Rapporteur for violations of human rights in Iraq.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Just Atonement Inc., 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), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.