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**Human Rights Council**  
**Twenty Second special session**  
1 September 2014

## **Written statement\* submitted by the Human Rights Now, 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.

[29 August 2014]

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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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## **International community must prevent further violation of human rights in Iraq**

Human Rights Now<sup>1</sup> (hereinafter HRN) submits this statement to the Human Rights Council (hereinafter HRC) in advance of the 22<sup>nd</sup> Special Session of HRC on human rights situation in Iraq to be convened on 1 September 2014.

HRN expresses utmost concern over the grave violations of international humanitarian and human rights law in Iraq committed by ISIL and other parties in this intensified conflict. It calls all parties to immediately cease any further violations of human rights.

While welcoming the effort to resolve human rights situation in Iraq, HRN wishes to draw attention of the international community over the root cause of the current armed conflict.

### **1. Background**

It has been over 11 year since the US/UK led invasion in Iraq without authorization of the UN Security Council. Since this illegal invasion, the US/UK led coalition/occupying forces and the Iraqi authorities failed to fulfil their obligation to protect people's rights to life, causing devastating results of people's life in Iraq. Researchers of Johns Hopkins Bloomberg School of Public Health in the US calculated that about 655,000 Iraqis died as a consequence of the Iraq War in 2003.<sup>2</sup> The World Health Organization (WHO) estimated 151,000 violent deaths in Iraq from March 2003 through June 2006.<sup>3</sup> Classified Pentagon files released by WikiLeaks recorded over an estimated 66,000 civilians were killed during the Iraq War between 2004 and 2009.<sup>4</sup>

### **2. Impunity over the grave human rights violations during the 2003 invasion and occupation**

Various reports have described grave violations of international human rights and humanitarian law by occupying forces in Iraq. For example, the US attacks on Fallujah in April and November 2004 were widely reported to include alleged war crimes, direct attacks against the civilian population, use of white phosphorous weapons on civilians, and a denial of citizen's access to hospitals.<sup>5</sup>

It has been reported that coalition forces employed inhuman, indiscriminate or toxic weapons such as depleted uranium weapons, cluster bombs and white phosphorous munitions in civilian urban areas without any protective measures to minimize harm to civilians.<sup>6</sup> It has also been reported that the use of these weapons caused significant numbers of civilian deaths, as well as critical impacts on human health even after the war.<sup>7</sup> Further, it is well established that the US military committed abusive treatment against Iraq detainees at Abu Ghraib and other prisons, such as physical abuses and humiliation, which constitute torture and inhuman treatment.<sup>8</sup>

<sup>1</sup> Human Rights Now (HRN) is an international human rights NGO based in Tokyo with over 700 members of lawyers and academics. HRN is dedicated to the protection and promotion of human rights of people throughout the world.

<sup>2</sup> Gilbert Burnham, Riyadh Lafta, Shannon Doocy, Les Roberts, "Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey", The Lancet Published online October 11, 2006, <http://brusselstribunal.org/pdf/lancet111006.pdf>

<sup>3</sup> Iraq Family Health Survey Study Group, "Violence-Related Mortality in Iraq from 2002 to 2006", N Engl J Med 2008; 358:484-493, January 31, 2008(95% uncertainty range, 104,000 to 223,000).

<sup>4</sup> Leigh, D. 'Iraq war logs reveal 15,000 previously unlisted civilian deaths', The Guardian, 22 October 2010, [Accessed 31 January 2013] <http://www.guardian.co.uk/world/2010/oct/22/true-civilian-body-count-Iraq>

<sup>5</sup> Professor Paul Hunt, the UN Special Rapporteur on the right to health stated credible allegations persist that the Coalition forces have been guilty of serious breaches of international humanitarian and human rights law, citing report that use of indiscriminate force has resulted estimated 750 civilian deaths, 90 per cent were non-combatants. <http://www.un.org/News/Press/docs/2004/hr4738.doc.htm>; In November 16, 2004, the UN High Commissioner for Human Rights expressed deep concern about the situation of fighting in Fallujah and stated that "all violations of international humanitarian law and human rights law must be investigated and those responsible for breaches -- including deliberate targeting of civilians, indiscriminate and disproportionate attacks, the killing of injured persons must be brought to justice, be they members of the Multinational Force or insurgents."

<sup>6</sup> "U.S. Using Cluster Munitions In Iraq", Human Rights Watch report, <http://www.hrw.org/news/2003/04/01/us-using-cluster-munitions-Iraq>

<sup>7</sup> <http://www.globalresearch.ca/us-military-committed-war-crimes-in-fallujah/8340>, "Fallujah; The hidden massacre".

<sup>8</sup> <http://www.globalresearch.ca/america-s-fallujah-legacy-white-phosphorous-depleted-uranium-the-fate-ofiraq-s-children/30372>, <http://www.hrw.org/news/2003/04/29/iraq-clusters-info-needed-us-uk>

However, any domestic authorities have not yet properly investigated most of the alleged human rights violations, nor their perpetrators brought to justice, in particular those at the top commanders' decision-making level, while victims are still suffering from physical harms without any reparations. Neither have these violations been sufficiently and comprehensively investigated by any UN independent inquiry.

### 3. The practices of violence against Sunni

Moreover, discriminatory attacks against Sunni have been escalated since 2005 when the Iraqi Transitional Government was established. In 2005, a Sunni Imam was arrested at his Baghdad home by the new Iraqi police force. Three days later, his body was found on the city street, still handcuffed. According to a video provided by a local human rights organization, the Imam had long stitches from his chest to stomach. His internal organs had been removed. His back and head had numerous holes drilled by an electric drill. This was the dawn of Sunni mass detention, torture and killing. Since then toward 2007, hundreds of thousands of bodies, still handcuffed, were found on the streets everyday as a result of this barbaric practice.

### 4. Discriminatory use of Anti Terrorism Law in 2005 to attack against Sunni

Since the enforcement of the Anti Terrorism Law in 2005<sup>9</sup>, a great number of Sunnis have been maliciously arrested, tortured, and executed. Many of Sunni civilians including women were arrested and detained in prison as they or their families were considered terrorists.

The discriminatory use of law (The Article 4 of the Law articulates that those who committed or assist others to commit terrorist acts would face death sentence) and act of execution of Sunni detainees by Iraqi militant under the name of this law have been largely acknowledged through media and criticized by other human rights NGOs<sup>10</sup>.

The former chief of UNAMI office of human rights admitted that Ministry of Interior was responsible for the establishments and activities of many death squads in security forces.<sup>11</sup> He described the death squads' activities as "They have roadblocks in Baghdad and other areas, they would kidnap other people. They have been very closely linked with numerous mass executions, at least mass arrests of people who later turned up showing signs of some execution."

UNAMI reports indicated the mass detention, torture and killing of Sunnis civilian most extensively in 2006, 2007 and 2008 and the responsibility of the government elements such as Ministry of Interior for such grave human rights violations.<sup>12</sup>

### 5. Tortures and execution of Sunni prisoners

In the detention, brutal tortures are repeated and many have lost their lives. One video footage<sup>13</sup> filmed and documented by Mohammed Al Daini, a Member of Parliament, reveals what is really happening in Iraqi prison under supervision of the Iraqi government. In the video, all of the prisoners interviewed answer that they do not know the reason for their arrests and experienced unbearable tortures by the Iraqi forces instead. One man has lost his eyesight as a consequence of continuous torture and a 19-year-old-boy lost his leg that was initially hit by a random shooting and smashed with bones later on when he arrives at the prison. Electric shocks are also used for several days to force the detainees to sign a confession.

Recently, it was reported that Shia-majority Iraqi forces executed over 255 Sunni prisoners in the past month. The mass executions were seemingly taking place in 6 towns and villages<sup>14</sup>. The report<sup>15</sup> submitted by human rights organization is mainly based on interviews with eyewitnesses. A foreign media also reported the case with disturbing video<sup>16</sup> filming the piles of dead Sunni prisoners.

### 6. Discrimination against Sunni and recent conflict

Those widespread and systematic discriminations against Sunni for decades have become a root cause of the current conflict.

<sup>9</sup> <http://www.aljazeera.com/news/middleeast/2013/02/20132193645300257.html>,

<http://www.bbc.com/news/world-middle-east-20914273>

<sup>10</sup> Human Rights Watch: <http://www.hrw.org/sites/default/files/reports/iraq0214webwcover.pdf>,  
Amnesty International: <http://www.amnesty.org/en/news/iraq-testimonies-point-dozens-revenge-killings-sunni-detainees-2014-06-27>

<sup>11</sup> <https://www.globalpolicy.org/component/content/article/168/37475.html>

<sup>12</sup> [http://www.uniraq.org/index.php?option=com\\_k2&view=item&id=1506:report-on-human-rights-in-iraq-november-december-2005&Itemid=650&lang=en](http://www.uniraq.org/index.php?option=com_k2&view=item&id=1506:report-on-human-rights-in-iraq-november-december-2005&Itemid=650&lang=en)

<sup>13</sup> <http://www.alboraq.info/showthread.php?t=274477> [Part 1]

<http://www.youtube.com/watch?v=3i6EQ5wJ8sg&feature=related> [Part 2]

<sup>14</sup> <http://www.bbc.com/news/world-middle-east-28274742>

<sup>15</sup> <http://www.hrw.org/news/2014/07/11/iraq-campaign-mass-murders-sunni-prisoners>

<sup>16</sup> <http://edition.cnn.com/video/data/2.0/video/world/2014/06/28/nr-intvw-damon-iraq.cnn.html>

At the end of 2012, a culmination of anger towards the discrimination against Sunni by the Shia-dominated government was witnessed and bursted into a massive protest against the government led by those who demand abolishment of Anti Terrorism Law. The demonstrators, supported by around 150 different tribes, have been claiming that the Law is abused and used to arrest and harass Sunnis. In response, the government intensified military attacks against the protesters and later started indiscriminate attack against civilians.

HRN alerted indiscriminate attacks against civilian in Anbar Province in early 2014.<sup>17</sup> Violence in the Anbar Province has been rapidly escalating since the arrest of prolific Sunni politician Ahmed al-Alwani in December 2013. According to several witnesses, the Iraqi government has deployed the Security Force to Ramadi and Fallujah in response to the alleged attack by al-Qaeda fighters on 1 January 2014. Then the Iraqi security forces surrounded the two cities and conducted indiscriminate attacks by heavy mortar fire in populated residential areas without any protective measure for civilians. The operation resulted in a significant number of civilian deaths. Such excessive and brutal military operation against international law has subsequently lead chain of retaliation among affected communities and resulted current situation.

#### 7. Recommendations

International community has failed to take any concrete actions to end grave violations of human rights and prevailing impunity in Iraq. International community must bear in mind that significant numbers of innocent people in Iraq including children have been killed without any help of international community and such tragedy should never be repeated again.

HRN recommends the Human Rights Council take the following actions:

- Urge all parties to immediately cease further violations of international human rights and humanitarian law
- Urge all parties to protect all civilians who are not involved in hostility in current armed conflict
- Request the Iraqi government to make all efforts to prevent, prohibit and eradicate all form of discrimination against Sunni, as well as eliminate all discrimination based on the race, ethnicity and religion
- Urge Iraqi government to ratify the Rome Statute of the International Criminal Court in order to prevent recurrence
- Establish an independent and impartial inquiry to investigate over all violations of international human rights and humanitarian law since 2003 in order to ensure justice and accountability
- Appoint the UN special rapporteur of the human rights situation in Iraq under agenda item4.

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<sup>17</sup> <http://hrn.or.jp/eng/news/2014/01/22/iraq-call-for-an-immediate-stop-to-indiscriminate-attacks-in-anbar-province-that-have-resulted-in-civilian-casualties-and-thousands-of-idps/>  
<http://hrn.or.jp/eng/news/2014/03/05/iraq-hrn-calls-for-all-parties-in-the-conflict-to-refrain-from-attacks-against-civilians-and-urges-an-international-inquiry-to-investigate-grave-human-rights-violation-in-anbar-province/>