

Association of Human Rights Defenders in Iraq (AHRDI)

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Executive summary

During the Universal Periodic Review (UPR) held in 2010, the Iraqi government made promises to advance the human right enforcement and implement relevant reforms. However, the situation four years later has not changed. Moreover, the **human rights violations by the Iraqi state agents became more serious**, systematic and widespread in regards especially to **right to peaceful assembly, freedom of opinion and expression**.

In particular, the government has responded to peaceful protests that took place during 2010-2014 in blatant violation of the international standards: **the excessive and inadequate use of force**, including administrative obstacles and the use of military force, politically motivated threats and **attacks against media institutions and journalists** who report on protests or advocate human rights. The demonstrations were continuously postponed, cancelled or prohibited under the pretext of possible “terrorist attack” and in the interests of national security. Since the onset of the demonstrations in December 2012 and during previous protest campaigns, the Iraqi government has constantly referred to demonstrators as “terrorists”. Moreover, **the protesters were often arbitrarily detained and arrests** carried out by military forces resulting in numerous injuries and death of civilians. For example, on 25 January 2013, a peaceful sit-in protest in Fallujah was interrupted by open fire from army forces killing a total of 9 and injuring over 60 additional civilians. One of the most tragic and violent cases of the **government’s restrictions on fundamental rights** of freedom of assembly and opinion was seen in April 2013 in **Al-Hawija**, during which around 200 protesters were killed, wounded or arrested.

The right to freedom of assembly and peaceful demonstration is a fundamental right that must be respected and promoted in national legislation. As a state party to the ICCPR, **Iraq is obliged to protect and promote the rights to freedom of expression, association, and peaceful assembly and consequently**. Instead, the state agents systematically violate this right in a widespread and arbitrary manner. **The ruthless military attacks against civilian demonstrators by the government forces are in serious violation of all fundamental human rights and must immediately be put to an end**. It furthermore breaches Article 38 of Iraq’s constitution, which guarantees the right to “freedom of assembly and peaceful demonstration.”

Right to Peaceful Assembly, Freedom of Opinion and Expression

Iraq has been the scene of intensive peaceful demonstrations during 2010-2014. Despite the existing international standards setting forth freedom of assembly and expression, the government has responded to peaceful protests with excessive use of force. Since the onset of the demonstrations in December 2012 and during previous protest campaigns, the Iraqi government has constantly referred to demonstrators as “terrorist”. Though, a joint committee was established by the government in early 2013 with a mandate to investigate the demonstrators’ demands; however, it failed to render any result up to this day. In August 2013, the Interior Ministry officials refused to issue permits for two concurrent groups organising demonstrations, without providing them a reason. Moreover, media organisations and journalists who report on protests or advocated human rights are regularly further targets of politically motivated threats and attacks.

Although Article 38 (3) of the Iraqi constitution guarantees the right to freedom of assembly and demonstrations, the Ministry of Interior has yet to approve every request for any planned peaceful demonstration. In August 2013, the Ministry of Interior stated that he was aware of the planned peaceful demonstration; however, he demanded the postponement while warning the organisers of possible “terrorist attacks” and the importance of national security. This pretext of the alleged terrorist attacks has been continuously used to postpone, cancel or prohibit demonstrations as well as arbitrarily detain protesters and convict them on “terrorist charges”. This is an important issue which is directly linked to the Anti-Terrorism Law No.13 of 2005. This law is the main pretext for targeting and restricting peaceful protests.

The peaceful protests demanded the provision of basic services and the end of corruption and human rights violations. In general, the demonstrations were in response to an increased frustration with the deteriorating conditions that Iraqis are forced to endure on a daily basis. The protests started through the discovery of the ill-treatment of female prisoners.

Attacks on Demonstrations

In January of 2013, the Iraqi army officers opened fire on peaceful demonstrators in Mosul. The Governor of Nineveh province confirmed that security forces shot at demonstrators in an attempt to disperse them. Furthermore, civilians who simply attempted to reach the peaceful protests at Al-Ahrar square in Mosul were pursued and targeted by army officers.¹ Further demonstrations have been regularly taking place in the Anbar region, including Fallujah. On 25 January 2013, a peaceful sit-in protest in Fallujah was interrupted by open fire from army forces killing a total of 9 and injuring over 60 additional civilians. Witnesses claim that the security forces fired directly at the peaceful protesters, whereas the soldiers state that their shots were targeted into the air and unintentionally killed and injured demonstrators.

One of the most tragic and violent cases of the government’s restrictions on these fundamental rights of freedom of assembly and opinion was seen in April 2013 in Al-Hawija, during which around 200 protesters were killed, wounded or arrested. Over a period of several days in April 2013, around 4000 peaceful demonstrators protested against the government’s repeated disrespect for human rights in the Hawija/Kirkuk province in Iraq. At a certain point during the demonstrations, the protesters found themselves surrounded by armed governmental troops that prevented all access to food, water and medical aid. Access to all forms of media including journalists and news casters were also prevented and their

¹ Al-Jazeera video can be found at: <http://www.youtube.com/watch?v=6b0ybuS5hAQ&feature=youtu.be>

equipment confiscated. The army and militias stormed the area and attacked the peaceful protesters who were authorised by the mayor of Kirkuk to hold these demonstrations.² An ambush was launched by army and SWAT forces, during which heavy and indiscriminate shootings, using live ammunition, tanks and helicopters, targeted the peaceful protesters and killed over 80 demonstrators and injured an additional 200 civilians. Forces were also reported to have attacked the injured and set fire to civilian vehicles.

Further alarming waves of arrests occurred in August 2013 at the end of the Muslim holiday Eid Al-Fitr under the campaign officially named “Thár al-Shuhadá” or “Martyrs’ Revenge”. The General Ali Ghaidan Majid, the Iraqi Land Forces Commander described 1,000 persons arrested and dozens killed in the operation around Baghdad and Al-Anbar and other provinces as “terrorists”, which also undermines the presumption of innocence. ‘The sectarian characteristics of the campaign and the enduring consequences that they are capable of producing demonstrate Maliki’s disregard and indifference for peace efforts...The name of the campaign itself- “Martyrs’ Revenge”- is indicative of Maliki’s promotion of revenge and not only gives a sense of justification for the mass arrests being executed but incites sectarian support for a highly unjustly-executed operation’.³ On 20 August 2013, in an interview with Al-Sharqiya News, Ms. Etab Al-Douri, Member of Parliament, expressed her belief that those arrested are innocent and stressed that the campaign is strategically sectarian in nature. She stated that if one examines the geographic location of the campaign, it becomes evident that it is systematically concentrated in particular sect-dominated areas, and that a review of past operations and campaigns demonstrates that it is always certain sects that are targeted.

Operation in the province of Anbar

In order to have an official justification to act against continuous peaceful demonstrations, the Iraqi Prime Minister thus declared protest camps as infiltrated by terrorists even if such claims were never proven to be true. In December 2013, the army troops launched an operation in the province of Anbar, where some Al-Qaeda camps are said to be located in the desert. Based on the fact that the majority of the population in the area has always been as much in the opposition to al-Qaeda as they had been against the occupation, several tribe leaders expressed their willingness to support this fight against the notorious terrorist organisation. Suddenly the army moved close to the cities and turned against the protesters, claiming that they were not just a place for recruiting terrorist but for sheltering them too.⁴ According to the information obtained by UNAMI from the Anbar Health Department stating that civilian casualties in January 2014 have been 140 killed and 660 injured. Moreover, the civilian population were cut out from the flow of food, medical and humanitarian aid.

²http://www.nytimes.com/2013/04/24/world/middleeast/clashes-at-sunni-protest-site-in-iraq.html?pagewanted=all&_r=0

³ “GICJ appeals to High Commissioner for Human Rights and Special Rapporteur on the mass human rights violations in Iraq”, August 2013 at:

http://gicj.org/index.php?option=com_content&task=view&id=326&Itemid=197

⁴ Arab Centre for Research and Policy Studies at: <http://english.dohainstitute.org/release/05adf2f2-29bc-4b67-a115-b37a0476b365>

Recommendations

- The Iraqi government to undertake genuine actions to ensure the implementation of its international obligations under both international humanitarian law and human rights law;
- The Special Rapporteur on the Promotion and Protection of Human Rights While Countering Terrorism to actively encourage the Iraqi government to amend the Anti-Terrorism Law;
- The UN and the Human Rights Council to ensure that all human rights violations in committed in Iraq to be investigated by an international independent body;
- The reinstatement of the position of a Special Rapporteur for Iraq.
- The Special Rapporteurs on the Rights to Freedom of Peaceful Assembly and Association and on the Freedom of Opinion to submit a detailed report to the HRC on respective violations;
- To halt any military aid to the Iraqi government until the human rights investigation by an independent body is finalised.
