

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# IRAQ: GUARANTEE FUNDAMENTAL FREEDOMS AND ABOLISH THE DEATH PENALTY

## HUMAN RIGHTS COUNCIL ADOPTS UNIVERSAL PERIODIC REVIEW OUTCOME ON IRAQ

Amnesty International welcomes Iraq's acceptance of 245 recommendations including introducing long-awaited legal reforms. However, Amnesty remains deeply concerned that Iraq rejected 48 recommendations that are crucial for the improvement of the human rights situation in Iraq.

Out of the 48 rejected recommendations, 22 were encouraging Iraq to immediately introduce a moratorium on executions with a view towards abolishing the death penalty.<sup>1</sup> Iraq remains one of the world's top executioners. Between 2017 and 2018 alone, Iraq executed more than 170 individuals.<sup>2</sup> The trend of an increasing number of executions continued throughout 2019.

Amnesty remains deeply concerned that the proceedings leading to executions did not meet international fair trial standards. In some cases, "confessions" were extracted through torture. Indeed, Iraq has rejected recommendations<sup>3</sup> to accede to the Optional Protocol to the Convention against Torture. This is of great concern as we have documented many cases of torture and other ill-treatment, especially during detention, by both the Iraqi and KRG forces.

More recently, and in the context of the nationwide protests that erupted on 1 October 2019, Iraqi forces resorted to excessive use of force, resulting in the killing of at least 600 protesters.<sup>4</sup> Iraqi security forces additionally targeted activists, journalists and protesters in a campaign of intimidation subjecting them to enforced disappearance and torture.<sup>5</sup>

Amnesty International has continuously called on the Iraqi authorities to put an end to the relentless campaign of intimidation, torture and disappearance against protesters across the country since the outbreak of protests in October 2019. Unfortunately, the organization's demands have fallen on deaf ears.

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<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Iraq, A/HRC/43/14, 20 December 2019, recommendations 147.25 (Togo, Ukraine, Uruguay), 147.27 (Mongolia), 147.122 (Portugal), 147.125 (Norway, Republic of Moldova, France, Albania, Australia, Chile), 147.126 (Poland), 147.126 (Slovenia), 147.128 (Spain), 147.131 (Sweden), 147.135 (Belgium), 147.136 (Croatia), 147.137 (Cyprus), 147.139 (Denmark), 147.141 (Latvia), 147.142 (Germany), 147.143 (Greece), 147.144 (Iceland), 147.146 (Ireland), 147.147 (Italy), 147.149 (Estonia), 147.150 (Liechtenstein), 147.153 (Mexico), 147.157 (Netherlands).

<sup>2</sup> Amnesty International, *Death Sentences and Executions 2017*, April 2018, <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>; Amnesty International, *Death Sentences and Executions 2018*, April 2019, <https://www.amnesty.org/download/Documents/ACT5098702019ENGLISH.PDF>

<sup>3</sup> Human Rights Council, Report of the Working Group of the Universal Periodic Review – Iraq Addendum A/HRC/43/14/Add.1 26 December 2019, recommendations noted 147.21-147.24 (Spain, United Kingdom of Great Britain and Northern Ireland, Hungary, Denmark, Togo, Ukraine, Estonia, Uruguay, Ghana, Czechia).

<sup>4</sup> Amnesty International, *Iraq: Protest death toll surges as security forces resume brutal repression*, 23 January 2020, <https://www.amnesty.org/en/latest/news/2020/01/iraq-protest-death-toll-surges-as-security-forces-resume-brutal-repression/>

<sup>5</sup> Amnesty International, *Iraq: End 'campaign of terror' targeting protesters*, 13 December 2019, <https://www.amnesty.org/en/latest/news/2019/12/iraq-end-campaign-of-terror-targeting-protesters/>

Despite accepting some recommendations<sup>6</sup> related to combating discrimination against women, Iraq nevertheless rejected others, including a recommendation<sup>7</sup> to withdraw the 'marry-your-rapist' legal provision. Article 398 of the Iraqi penal code not only discontinues any legal action taken against rapists but if a sentence has already been passed before the marriage, the sentence will be quashed after the marriage.

In light of the above, Amnesty calls on Iraq to immediately establish an official moratorium on executions; accede without reservation to the Optional Protocol to the Convention against Torture; ensure that torture is prohibited by law and in practice; respect and protect human rights, including the rights to freedom of expression and peaceful assembly; and ensure equal rights for women and combat all forms of gender-based violence and discrimination.

## Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Iraq on 12 March 2020 during its 43rd session. The above text is Amnesty International's statement on the outcome prior to the adoption of the report of the review. The statement was not delivered in the session as the organization took the decision to protect its staff from the COVID 19 pandemic and to ensure it actively contributes to minimizing spread of the virus. Amnesty International also contributed to the information basis of the UPR review through its submission on Iraq.<sup>8</sup>

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<sup>6</sup> A/HRC/43/14, Recommendations 147.15-147.17 (Estonia, Norway, South Africa), 147.19 (Uzbekistan), 147.40 (Poland), 147.50 (Togo), 147.58 (Russian Federation), 147.66 (Canada), 147.68 (Croatia), 147.77 (Fiji), 147.79-147.81 (Germany, Iceland), 147.84 (Islamic Republic of Iran), 147.90 (Singapore), 147.96-147.97 (Republic of Moldova, France), 147.101-147.104 (Austria, Belgium, Senegal, Ghana), 147.107-147.108 (Indonesia, Seychelles), 147.138 (Czechia), 147.154 (Mongolia), 147.174 (Ecuador), 147.206-147.207 (Philippines, Angola), 147.245 (Uzbekistan), 147.257 (Italy), 147.260-147.263 (Lebanon, Liechtenstein, Maldives, Mexico), 147.265-147.266 (Montenegro, Nepal), 147.272 (China).

<sup>7</sup> A/HRC/43/14, 1. 147.18 (Uruguay)

<sup>8</sup> Amnesty International, Iraq: The Road to Justice - A Long Way To Go, 19 June 2019, <https://www.amnesty.org/en/documents/mde14/0316/2019/en/>