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Iraq: Review before the UN must translate into real reform

Prior to the review in the Universal Periodic Review (UPR) Working Group, Amnesty International urges Iraq to engage constructively in the review to address flagrant violations committed during the current crisis and the appalling legacy of human rights abuses in the country.

The Iraqi authorities have until March 2015 to respond to the recommendations from Member States of the UN Human Rights Council. Amnesty International acknowledges the challenges facing the Iraqi government since the armed group calling itself the “Islamic State” (IS) took over large parts of the country in June 2014. However, the Iraqi authorities should not use the current security situation to delay genuine consideration and implementation of key recommendations in order to put an end to rampant abuses.

During the UPR, which took place on 3 November, a number of Member States put forward key recommendations to Iraq to address human rights abuses in the country, including to bring to justice all those found responsible for human rights abuses and violations of international humanitarian law. A number of countries also recommended the Iraqi government to accede to or ratify the Rome Statute of the International Criminal Court, to protect civilians in the context of military action and to reform the security and military forces with a view to eliminating militia groups, as well as to end the practice of torture and establish a moratorium on the death penalty.

The Iraqi delegation, headed by Deputy Minister of Human Rights, Dr Abdulkareem Abdulah Shallal Al-Janabi, emphasized the National Development Plan (2013-2017), which includes, amongst its key priorities, strengthening the rule of law, reconstructing the security and military institutions, requiring the security forces to assume full responsibility for the protection of Iraqi citizens, confining weapons to state security institutions and banning the formation of non-state military groups.

The situation in Iraq shows that no progress has been achieved in relation to many of these priorities. Government-backed Shi’a militias have increasingly been used in the fight against the IS. Amnesty International documented cases of extortion and abductions and killings of Sunni civilian men by state-backed Shi’a militias across Iraq. Since the current crisis started in June, such attacks have increased in comparison to previous years. Amnesty International has raised concerns that the Iraqi government has responsibility for crimes committed by the Shi’a militias, since it has armed them or allowed them to be armed and to perpetrate abuses with impunity.

Human rights abuses are not limited to Shi’a militias. In addition to the horrendous abuses committed by IS fighters, Amnesty International has also documented violations by the Iraqi security forces and Peshmerga forces of the Kurdistan Regional Government.

Amnesty International is also concerned about the response of the Iraqi government to long-standing human rights abuses, such as the systematic use of torture and other ill-treatment in prisons and detention centres. The Iraqi delegation emphasized that torture is prohibited by law and, therefore, anyone found responsible for acts of torture is prosecuted. The delegation pointed out to the fact that over 516 cases of torture were investigated between 2008 and 2014 resulting in many prosecutions. No additional information was provided as to the nature of the cases and which security bodies were responsible for these abuses.

Over this period, Amnesty International brought to the attention of the Iraqi government numerous individual cases of allegations of torture and other ill-treatment and death in detention centres and prisons across Iraq. To date, the organization is not aware of any of these cases having been investigated or whether anyone has been brought to justice for such abuses. In response to an Amnesty International report issued in March 2013 and a lengthy memorandum sent to the authorities ahead of the publication of that report, the Iraqi government wrote a letter to the organization confirming that the Ministry of Human Rights was in charge of visiting detention centres and documenting allegations of torture. However, the government failed to provide answers as to the number of investigations carried out into the cases raised by Amnesty International, the results of those investigations and the number of police officers brought to trial in connection with those allegations of torture and other ill-treatment.

Amnesty International therefore welcomes remarks by the Iraqi delegation expressing the government's commitment to arrange a visit for the Special Rapporteur on Torture and urges the authorities to facilitate the visit at the nearest convenient date and to grant access to the Special Rapporteur to all detention centres, including those under the supervision of the Ministries of Interior and Defence.

The Iraqi High Commission for Human Rights continues to be denied visits to detainees in the interrogation and detention centres and prisons managed by the Ministries of the Interior, Justice and Defence.

While Amnesty International welcomes the Iraqi delegation's commitment to establish a department within the Ministry of Human Rights that would review the application of the death penalty, it deplores the delegation's justification of the use of the death penalty within the current crisis. Iraq is one of the leading executioners in the world. For years Amnesty International has documented hundreds of cases of people sentenced to death under the 2005 anti-terrorism law after grossly unfair trials that took into account as main evidence "confessions" obtained under torture.

Iraq has a few months ahead to decide to accept or reject such recommendations. If the Iraqi government is indeed taking seriously the UPR mechanism, it must immediately end abuses, accept key recommendations and take urgent action to implement them. The authorities must address as a matter of priority calls to rein in militias, abolish the death penalty, protect civilians and end the practice of torture and other ill-treatment.