



المركز العراقي لتوثيق جرائم الحرب  
Iraqi Warcrimes Documentation Center

No:

Date:

## **Iraqi War Crimes Documentation Centre**

### **Shadow Report of Civil Society Organizations on the Situation of Human Rights in Iraq**

#### **Report submitted to: Human Rights Committee on Iraq's Periodic Report Universal Review**

Submitted by: Iraq War Crimes Documentation Centre (A non-governmental centre registered in the United Kingdom under the title non-Profit Organizations No. 13344215)

The date: February 2022

The country: IRAQ



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**Introduction:**

Iraq War Crimes Documentation Centre; An independent, non-governmental human rights organization, Concerned with documenting violations taking place in Iraq through volunteers, activists and human rights activists, it works in accordance with the principles of human rights and international organizations without bias, prejudice, race or sect, the centre was established in 2009, it was officially registered in 2021 in the UK, and opened its main office in London in the month of April 2021. The work of the centre and its activities include all parts of Iraq.

The centre has been working for many years to support basic rights and freedoms in Iraq, it prepares various reports independently or in partnership with international and local organizations, it participated in the meetings of the United Nations Committee on Enforced Disappearances, Committee against Torture and the Criminal Justice Committee, it issued several reports that documented cases of human rights violations in Iraq.

Consequently, the Centre found the urgent need to submit its report to the Human Rights Council to inform it of the latest developments in the human rights situation in Iraq; also, the centre urgently needs to benefit from the committee's observations and their additions to the reality of the report.

The centre aims to provide accurate information about the reality of human rights in Iraq, This report is part of a commitment and continuous efforts to improve the reality of rights in the country by enhancing respect for rights and reducing serious cases of violations. All the information contained in the report has been collected and verified through field work and communication with the families of the victims in all Iraqi governorates.

The current report seeks to assess the extent of progress in Iraq's implementation of its international obligations in accordance with international human rights law for the period following Iraq's previous report for the year 2020.





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### **Report methodology:**

This report was developed by reviewing and compiling a number of important sources, including the government report for the year 2020 submitted to the Human Rights Council for the universal periodic review, and annual reports of the Office of the High Commissioner for Human Rights, oversight reports of the Commission on Human Rights, Ministry of Justice, Ministry of Interior.

### **Firstly, the infringements:**

#### **1- Counter-terrorism measures:**

Counter-terrorism measures were accompanied by many violations against civilians and cities, the security services and militias have arbitrarily arrested many civilians, forcibly displacing the residents of some villages and homes from their places of residence, and these measures were also accompanied by extrajudicial killings.

#### **2- Harmful practices that discriminate against women and girls:**

Women and girls constitute the largest group among the groups that have been subjected to abusive practices, with a significant decline in women's rights, many of them are homeless, displaced and breadwinners, they face different forms of physical and sexual violence, as underage marriage, temporary marriage, trafficking in women, and so-called honor killings, high divorce rate, as well as deprivation of basic rights such as education and work, and lack of resources.

Domestic violence cases have been reported throughout 2021, including the killing of women and girls by their husbands or family members, sectarian and partisan quotas have greatly marginalized the role of women in decision-making and representation of their society, this is due to the absence of political will, actual legal guarantees, sectarian and partisan quotas and discrimination on the basis of gender.

#### **3- Internally displaced persons:**

In field work for the Iraq War Crimes Documentation Centre, which accompanied the closure of the camps for the forcibly displaced, it saw that the Iraqi government is





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politically employing the file of the displaced in Iraq in various ways, in an attempt to benefit from this file in several aspects, including collecting international aid for the benefit of the influential parties in power.

The government and its parties are working on this category by placing false accusations against the remaining displaced families in an attempt to demonize the camps of the displaced and the displaced, under the pretext of "terrorism", to achieve a number of sectarian goals and projects.

The government also deluded the world into giving a false "rosy" picture of creating safe and dignified living conditions for the return of the displaced and displaced families to their original areas of residence, in order to create justifications for international and internal support for it, this is a lie, which is exposed by the fact that thousands of families are forced to return to the camps and areas of displacement and displacement after returning to their original areas of residence due to the terrorist threats carried out by the militias of the parties participating in power and their political process, in addition to the lack of safe living conditions for the return of the displaced to their areas of residence, and the lack of services, The absence of any government support to provide job opportunities for the head of the displaced family to provide the least financial return to the family, and the presence of major corruption files that accompanied the establishment of camps for the displaced.

And with all the advanced surrounding conditions that impede the return of the displaced, the militias prevent many of them from returning to their areas of origin, and if they were to return, they would find their homes completely destroyed. With no safe living conditions; they find themselves forced to take new areas of settlement and forget the areas of original residence.

If we overcome the previous difficulties; we will face a big problem, which is the issue of (the security audit process) for the displaced in the security audit centres that were supervised by large numbers of militias of the power parties participating in the political process, where there are major violations, including: committing assassinations and sectarian assassinations outside the law; Where the militias took hundreds of men,





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young men and boys to kill them in mass graves, and most of these cemeteries are located kilometres away from those camps and centres.

It seems that the forced closure of the camps by a government decision reveals the inhumane motives for this violation and action, which are finally aimed at removing the residents from their original areas of residence.

And in recent years, especially in (2020-2021), the Popular Mobilization Militias have taken control of the camp sites, all the camps are large and sprawling areas, it contains civil facilities, buildings, warehouses, health centre buildings, and various facilities, which were established by international organizations, and which began to occupy and dominate them. In addition, many children inside the camps do not have identification papers (civil status identity), due to the procedures that prevent their parents from leaving to complete the procedures in the concerned departments.

#### **4-Death Penalty:**

Iraq occupies an advanced position in the execution of executions, as it occupies the fourth place in the world, the Centre has documented, through official sources, that the authorities issued a death sentence against more than (25 thousand detainees), of whom (340) were approved with final judgments. The judgment was executed against (41) during this year, this is what was monitored through official sources, not to mention other executions that were not announced.

#### **5-Torture and ill-treatment:**

The area of torture in Iraqi prisons has expanded over time; it increased during the period of what was known as the "secret informant" during the government of Nuri al-Maliki 2006-2014. Although Iraq legislated its accession law to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment No. 30 of 2008, however, the law was not implemented, and it did not find a way to implement and hold perpetrators of violations against prisoners to account.

The Iraqi authorities use torture in several stages, but the most prominent of them are those related to the investigation, during the investigation, the accused are



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subjected to severe and severe torture, especially those accused of terrorist acts or suspected of joining ISIS. We have documented in the centre more than (230) cases of torture in Iraq during the year 2021, including women and children representing most of the Iraqi governorates, including the governorates of Kurdistan. The Centre monitored more than 147 cases of extrajudicial killing of detainees in government prisons.

### **6- Human trafficking and forced labor:**

The High Commission for Human Rights in Iraq monitored more than (300) crimes of human trafficking during the year 2021. This phenomenon has spread in Iraqi society for several reasons, including economic and security conditions, and the absence of deterrent law. The process of human trafficking goes beyond detainees in government prisons, camps for displaced people, children and women.

The Iraq War Crimes documentation Centre monitored several cases of trafficking in human organs for detainees in government prisons. Families of detainees have been told that the bodies of their sons who died in prisons, there are surgeries for their sons who were in good health before their death. The information received also indicates that some of the people who carry out human trafficking are members of the security services, or those who have links with the security services to facilitate their mission in human trafficking.

On 7/30/2021, the Iraqi Intelligence Agency stated, "It arrested a man and a woman in flagrante delicto while selling their five-year-old son for ten million Iraqi dinars (about \$8,000) in the Karrada district of central Baghdad." 1

### **7- The right to freedom and security:**

Weak performance of the government in managing the security file in the mixed areas, some of which are called: (disputed areas), and its failure to enhance protection and security measures for the residents in those areas led to cases of attacks on citizens. In the province of Baghdad: Tarmiyah district, and in Diyala governorate (Khanqin district, Daquq district, Tuz district, Saadiya district, Jalawla district, Al-Imam district, Al-Amriya, Al-Mithaq I and Al-Rashad district), and a number of villages adjacent to the Hamrin mountain range, and Babil Governorate: Jableh Village. This caused the



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emigration of many families and a decrease in the population in some villages and regions due to security failures and the militia's domination of cities and villages with a Sunni component in particular.

The Iraqi Centre, for example, counted the number of families that were forcibly displaced from the villages of Muqdadia by the militias, and the total was (349) families, and as follows:

- 1- Nahr al-Imam village (200 families).
- 2- Al-Amriya village (55 families).
- 3- Al-Mithaq 1 village (33 families).
- 4- Al-Mithaq 2 village (36 families).
- 5- Al-Rashad village (25 families).

### **8- Independence of the judiciary and a fair trial:**

The Iraqi criminal justice system suffers from extensive use of torture and the extraction of forced confessions. Despite serious due process violations, the authorities carried out numerous executions, Iraqi law contains a range of defamation and incitement provisions that authorities have used against critics, including journalists, activists, and protesters, to silence dissent.

In general, Iraq ranks among the countries where criminal justice and fair courts are lacking; criminal trials are held in a hurry under the Iraqi terrorism law, which was often discriminatory and sectarian and the accusation of terrorism, it did not include the participation of the victims in the charges against them or the appointment of a lawyer for them. These charges are based on the slander of the secret informant and on the military campaigns carried out by the security services, the army and the militias, convictions are based primarily on confessions extracted by force, torture and threats, authorities systematically violate suspects' due process rights, such as guarantees under Iraqi law that detainees are brought before a judge within 24 hours, that they can contact a lawyer during interrogation, that their families are notified, and that they are able to communicate with them while in detention.





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Not only that, the authorities arrest and prosecute children based on the age of criminal responsibility in the Penal Code, the authorities are prosecuting children allegedly linked to terrorism as young as 9 years old on terrorism charges in areas under the control of the Baghdad government, and 11 years in Iraqi Kurdistan, in violation of international standards, which identifies children recruited by armed groups as victims who must be rehabilitated and reintegrated into society, and calls for the minimum age of criminal responsibility to be at least 14 years.

The information received by the Iraq War Crimes documentation Centre indicates that most judges in Iraq belong to parties and militias and use their positions to pass judgment on civilians who are accused of being linked to terrorism; This is what makes the judiciary in Iraq a major threat to the societal peace of the Iraqis, and make impunity a hallmark of justice.

### **9- Freedom of expression:**

The absence of laws and legislation regulating freedom of assembly and peaceful demonstration despite the Constitution's provision in Article (38) by enacting a special law for that, the Centre, along with several international organizations, submitted a draft to develop the Freedom of Expression Law to the former Parliament, the Council did not take any serious steps in developing the freedom of expression system. There is even a draft law on freedom of expression, assembly and peaceful demonstration, submitted to the House of Representatives that contain many restrictions and violations, and civil society organizations have confronted this draft because of its flagrant violation of freedom of expression.

The file of civil society activists and protesters who were assassinated during the past two years continues to face clear neglect in Iraq, as the government's actions in bringing justice to the victims and prosecuting the perpetrators, described as weak by local observers. A number of influential parties and even government institutions have worked to intimidate activists and journalists by threatening and being assassinated because they exposed corruption files, these institutions and parties used the file of malicious lawsuits to silence activists and journalists.





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The Centre recently documented, on 8/1/2022, two activists were shot and wounded of varying degrees in the center of Kut city, the centre of Wasit Governorate, by militias and political parties in the province.

In the centre, we also documented the kidnapping and disappearance of more than (20) activists in the years 2020-2021 AD by militias and government authorities.

### **10-Excessive use of force:**

The Iraqi government relies on excessive force in dealing with political and civil issues, as well as its use during armed conflicts that directly targeted civilians under the pretext of combating terrorism. The events of the October (revolution) come as a vivid example of the government's treatment of peaceful demonstrators with excessive force, which claimed the lives of more than (800) civilian demonstrators. Anti-riot forces are still using excessive force of live bullets, tear gas bombs and sound bombs with the demonstrations that appear here and there in the Iraqi provinces due to the deteriorating economic and security conditions.

The Iraq War Crimes Documentation Centre documented on 10/28/2021 the killing of (11) civilians, including women and children, as a result of an armed attack on their house in the village (Nahr al-Imam) in Muqdadiya district, Diyala Governorate, where a force of militias and security services used excessive force in killing civilians.

On December 31, 2021, excessive force was used against (20) civilians, including women and children, in the (Jableh) area of Babil Governorate by the security services, heavy machine guns and tear gas canisters to hit the house located in a rural area, , which claimed the life of the citizen (Rahim Kazem Al Ghurairi) and his entire family, including women and children, one of them was a baby less than a month old, where the security forces that attacked the house of Al Ghurairi, carrying out a field execution based on slander and malicious information, it violated international humanitarian law, which urges the parties to the conflict at all times to distinguish between the civilian population and combatants with a view to preserving the civilian population and civilian property, and that the civilian population, group or individuals, shall not be subject to attack.





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### **11- Minority Rights:**

Crimes are still being committed against minorities by political parties and militias in various regions, including Sinjar district. According to eyewitnesses to the Centre, many residents of the district are still in displacement camps in Dohuk district, and they have a big problem. Mahma Khalil, the mayor of Sinjar district, said in a statement: “The PKK has kidnapped more Yazidis than ISIS, and the party has worked to make them fighters in the party's ranks”. In addition, the presence of the PKK in the Sinjar district has prevented the local government from reconstructing the district and returning the people to it, given that Sinjar belongs to Nineveh, and there are more than (800) villages that have not been rebuilt due to these conditions.

According to a special source for the centre, there is a tripartite agreement between the federal government, the Kurdistan government, and the local government in Nineveh for the exit of all illegal militias from Sinjar, with the recruitment of (1000 to 2000) residents of Sinjar district into the security services, and that the only forces in Sinjar are the army and the local police; But the militias and the PKK worked to prevent this agreement in order to allow convoys of arms transfers from Iran and Syria and vice versa.

There is another problem related to the Christian community in southern Iraq in the cities: Basra, Karbala and Najaf; where political parties and militias took over the role of Christians in these governorates, forcibly displacing them and kidnapping their children, the government did not act on these violations. Some minorities also suffer from clear governmental neglect and negligence, such as the Sabeen-Mandaeans; Especially with regard to the practice of their religious rites.

### **12- Human rights violations in the past:**

The legislative authority in Iraq is still ignoring the passage of laws related to human rights and the protection of freedoms and not giving them priority in legislation, as well as the absence of the executive authority's treatment of what is stipulated in international human rights laws and local laws that criminalize violence and the failure to use authority to implement partisan interests.





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The violations committed by previous and current governments necessitate the need to pay attention to laws related to freedom of expression and peaceful demonstration, especially since government authorities have always used the absence of this law to arrest activists and participants in demonstrations, it has forcibly displaced some of them from cities and villages, and carried out extrajudicial executions, and arbitrary arrests against many Iraqi civilians. It also violated the rights of detainees and worked in the absence of the law and fair courts.

### **Secondly, the allegations:**

In 2021, the government failed to deliver on its promises to hold accountable those responsible for the arbitrary arrests, enforced disappearances, and extrajudicial killings of protesters, activists, journalists, and others who publicly criticize the country's political and armed groups, the necessary legislative measures have not been taken for the purpose of ensuring that the provisions of human rights conventions take precedence over national legislation, and there is not sufficient specific legislation to incorporate and harmonize the provisions of the conventions in the constitution.

On the civil level, the government has not committed to applying the principle of equality in obtaining public jobs, as well as the provisions of the Iraqi constitution in the principle of non-discrimination in holding any position regardless of religion and race, as in Articles 14 and 16. Federal Service Council Law No. 4 of 2009 regulating equality in public jobs has also not been implemented.

It is noted here that the Iraqi courts did not rely on the texts of the agreements to issue judgments, because judges rely on domestic legislation devoid of the titles of the Convention, this resulted in the execution of many civilians and the extrajudicial killing of others because sentences were based on sectarian and political criteria.

### **Thirdly, recommendations:**

1- Adopting a national strategy to reduce discrimination against minorities at the level of jobs, education and services, and intensifying protection for the children of the components in the disputed areas, and the adoption of a national strategy to reduce





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discrimination against minorities at the level of jobs, education and services, especially minority women.

2- Investigate all reports of human rights violations submitted by civil society organizations, including reports concerning religious minorities, prosecuting those responsible for these violations and announcing the results of the investigation.

3- Stop all malicious lawsuits against human rights defenders and civil society activists, and hold accountable those who use their influence to pressure the judicial institution to obtain arrest warrants against human rights defenders.

4- Invitation to the Special Rapporteur on the Elimination of All Forms of Racial Discrimination to visit Iraq.

5- Taking into account the observations made by non-governmental organizations on the draft law on freedom of expression and peaceful assembly and involving them in the work of the final draft of the law.

6- Legislation of the Media and Communications Commission Law in a professional manner, in a manner that guarantees the freedom of the media to express their opinion, all media, organizations and gatherings that adopt sectarian discourse, incite violence and contribute to creating discrimination among the people, are held accountable, with a proposal for a mechanism for receiving complaints in this regard.

7- Urging the government in Baghdad to amend all discriminatory laws, including the Penal Code and the Code of Criminal Procedure due to its inequality and discrimination against women, and the legislation of the Anti-Domestic Violence Law.

8- Amending Refugee Law No. 51 of 1971 to guarantee the rights of refugees in Iraq in accordance with human rights principles and international standards, and work to urge the Iraqi government to join the 1951 International Convention on the Status of Refugees and its 1967 Protocol.

9- Providing protection for the displaced from the attacks they are exposed to by the security services and militias, keeping their camps away from partisan and sectarian conflicts, and giving them the right to claim their rights, compensating the victims as a result of the injuries they sustained as a result of the missile strikes and attacks against



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them, and opening investigations into cases of sexual harassment and exploitation of women in camps.

10- Stop all abusive practices against the people of ISIS, and allow them to lead their normal lives, providing the necessities for a decent living, allowing them to work and leave the camp, like the displaced people in the rest of the camps, allow humanitarian organizations to have smooth access to these camps, To find out their needs (medical, nutritional, psychological, and legal), and work to include the displaced in rehabilitation programmes, to protect them from the trends of terrorism and extremism.

11- Amending the Iraqi constitution for the year 2005, referring to determining the legal status of the conventions that require the transcendence of international conventions over national law, providing access, and imposing procedures to facilitate access to basic services for all persons with disabilities in public government facilities.

12- Activating the Federal Service Council Law No. 4 of 2009 to ensure equality between citizens in public jobs.

13- Commitment to and respect for all ratified agreements that guarantee the principle of equality in public office, as well as adherence to the provisions of the Iraqi constitution regarding the principle of equality among the Iraqi people - Articles 14 and 16.

14- Amending the Iraqi Elections Law No. 45 of 2013 to guarantee the principle of equality for all minorities.

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**25/1/2022**



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