



# General Assembly

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## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), International-Lawyers.Org,  
United Towns Agency for North-South Cooperation, non-  
governmental organizations in special consultative status,  
International Educational Development, Inc., World Peace  
Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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\* Issued as received, in the language(s) of submission only.



## Threats to Human Rights Defenders and Impunity in Iraq

Thanks to the efforts of human rights defenders, governments are held to account and victims of human rights violations can sometimes receive justice. However, these defenders often put themselves in harm's way through the simple act of advocating for human rights. This statement calls attention to the severe restrictions in Iraq on the ability of people to raise human rights issues and defend against human rights violations.

### Human Rights Defenders

Human rights defenders engage in many types of activities. Thanks to defenders who take on leadership roles, knowledge of human rights problems becomes more widespread because of organizational skills and interaction with the press and on social media. Demonstrations, campaigns, political action, and many other activities by large groups of people are the most effective when there are leaders coordinating the message and actions. This fact has led to violent action against the leaders behind protests across Iraq.

For example, during the 2018 protests in Basra over the complete lack of clean water, sanitation and other services in the city, many of the leaders were kidnapped, detained and tortured to stop their activities. One demonstration leader, Mehdi Salah, was detained on 15 July 2018. After being released, he described how he was severely beaten and interrogated as to whether he was a Sunni or Shi'a. Ghassan Saeed Abdul Hussein was detained on 8 August 2018 and tortured repeatedly by security forces who tried to force him to confess to being associated with a terrorist group.

Security forces regularly detain demonstration leaders, subject them to torture, and hold them in places not designed for detention, such as closets and toilets. Detainees are not released until they sign a document committing not to participate in any future demonstration – a further violation of their human rights to freedom of association and expression. Unknown social media accounts are also used to discredit leaders with accusations about unrelated issues and alleged links to terrorist organizations.

Some people devote their efforts to defending human rights in other ways. These human rights defenders such as activists and lawyers are also singled out and silenced by the militias and security forces in Iraq.

On 25 September 2018, Ms. Souad Al-Ali, president of a prominent local human rights organisation in Basra who spoke about human rights issues to the media, was attacked and killed in broad daylight. A noted lawyer, Mr. Jabbar Abdul Kareem, who was defending a group of demonstrators in a court proceeding, was shot with 15 bullets and killed in front of the Basra police station by an armed group in July 2018. Another defender, Mr. Jalal Al-Shahmani, was kidnapped by an armed group from a restaurant in Baghdad over three years ago in September 2015. His whereabouts are still unknown. As recently as 2 February 2019, Dr. Ala'a Al-Mashthoub, a prominent novelist from Karbala, was gunned down with 13 bullets. Dr. Al-Mashthoub had criticized the country's sectarian policies and militias and had participated in numerous demonstrations.

The obvious intent of these actions is not only to stop these particular people from continuing their advocacy, but to deter others who would also take up the cause of human rights. The government of Iraq must address these killings and abductions and hold accountable the militias and security force members who perpetrate these crimes.

### Actions against Journalists and the Media

Each of us has an individual right to think and express ourselves freely. This freedom includes the right to seek and impart information by means of any media.<sup>1</sup> Journalists and other media workers are a special group of human rights defenders that use this right to uncover and share

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<sup>1</sup> International Covenant on Civil and Political Rights art. 19.

information about the world that, in turn, allows us all to fully realize our right of personal expression.

Although journalists sometimes put themselves in harm's way to deliver an important story, the deliberate targeting of journalists in Iraq since 2003 has made it the most dangerous country for journalists. Although the perils faced by journalists was brought into the global limelight by the brutal murder of journalist Jamal Khashoggi in 2018, last year was but one of many dangerous years for journalists in Iraq, with a reported 220 human rights violations against journalists and the retaliatory firing of 150 journalists.<sup>2</sup>

In Basra, security forces have repeatedly restricted the freedom of journalists by preventing coverage of demonstrations. Media workers covering demonstrations are accused of inciting unrest, and journalists are beaten, humiliated and threatened to stop covering demonstrations or face arrest. In Erbil, media offices have been raided and lawsuits filed against a broadcaster for reporting on the potential manipulation of the local market in medicines by the major political parties. Even though the Iraqi people have been protesting the rampant corruption in the government, journalists face threats and murder when they report about instances of corruption such as this. In Mosul, a television crew was arrested for reporting on reconstruction in the old city of Mosul, even though the story was a positive one. Parts of Mosul have been restricted to the media and require a special permit for journalists.

These severe actions against media often have the effect of self-censorship by journalists who are afraid for their lives and families. It is unacceptable that this has become a daily aspect of life for media workers in Iraq.

## Impunity in Iraq

The rights to freedom of opinion, freedom of expression, and freedom of association are cornerstones of a democratic society. These rights were established in the Universal Declaration of Human Rights and made binding on Iraq by its ratification of the International Covenant on Civil and Political Rights. Thus, Iraq has an international obligation to protect these rights.

The Iraqi constitution ostensibly protects these rights, but, in practice, the government and legal system do not guarantee them. Instead, officially-sanctioned militias active in Iraq are often responsible for the kidnapping of human rights leaders, journalists and defenders. Sometimes, they even openly admit to these offences, such as when they explain their retaliation against journalists for writing articles critical of their leaders and their "holy" activities. The militias simply are not held accountable for their often-violent acts of intimidation against journalists or other critics.

Despite frequent reports of such acts, the Iraqi government consistently fails to protect its own citizens' fundamental rights by allowing the militias to continue threatening and committing violent acts against human rights leaders, journalists and defenders with total impunity. These brave people are forced to live with ever-present uncertainty, never knowing whether the threats to their lives and livelihoods will be carried out. This constant threat of detention, prosecution, and violence shows that freedom of expression, opinion and association are not truly rights in Iraq.

It is important to note that governments are often using lawsuits as a weapon against the media and human rights defenders. These suits, often alleging security concerns, are used to provide a cloak of legitimacy to the persecution of people who stand up for human rights. In Iraq, "fighting terrorism" is a frequently-used excuse for these lawsuits and criminal charges. The government uses its poorly written Anti-Terrorism Law of 2005<sup>3</sup> to fabricate charges to,

<sup>2</sup> *Rights Center Records 220 violations Against Journalists and Bloggers and Law Off 150 Others from Their Jobs in 2018*, Iraqi Ctr. for Supporting Freedom of Speech (2 Feb. 2019), <http://icsfs.org/en/article?id=293&cid=8>.

<sup>3</sup> The Anti-Terrorism Law (Law No. 13 of 2005) was determined to be vague and overly broad by an independent analysis commissioned by the Iraq National Commission on Human Rights. Toby Collis & American Bar Association Center for Human Rights, *Compliance of Iraq's Anti-Terrorism Law (2005) with International Human Rights Standards* (June 2014).

at best, obstruct the work of journalists and human rights defenders and, at worst, eliminate them through death penalty convictions of “terrorism” without adequate due process.

## **Conclusion and Recommendations**

The lack of protection for human rights leaders and defenders, and the climate of (self-)censorship for journalists is hampering the recovery and reconstruction of Iraq. If human rights defenders were protected in their work and journalists were granted better access to information, they could play a useful and vital role in the development of Iraq’s democratic institutions and its struggle against corruption. We recommend Iraq take the following actions:

- Demonstrate a true appreciation for the right to freedom of expression by ceasing all punitive actions, including lawsuits, against human rights defenders for doing their jobs
- Hold all perpetrators of human rights violations accountable for their actions, especially for crimes committed against human rights defenders
- Disband all militias to eliminate a major, ongoing source of human rights violations in Iraq

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Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Association Maonah for Human Rights and Immigration, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Iraq Solidarity Association in Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.