Human Rights Council
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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 Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the Union of Arab Jurists, the General Arab Women Federation (GAWF), the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the International Association of Democratic Lawyers, the United Towns Agency for the North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, the International Federation of University Women (IFUW), the Organisation Mondiale des Associations pour l’Education Prénatale (OMAEP), the World Wide Organization for Women (WOW), the Arab Lawyers Union, non-governmental organizations in special consultative status, the World Peace Council, the Indian Council of South America (CISA), the International Human Rights Association of American Minorities (IHRRAAM), International Educational Development, Inc. (IED), 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 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).
The death penalty in Iraq 2003-2013

The arbitrary killing of people, also when it is committed behind a smokescreen of flawed legal processes, is not solely a matter of domestic concern. Iraq should take note that the international community will take strong exception to a continuation of its flagrant disregard of the norms applicable to the protection of the right to life. Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions.

The exact number of people executed in Iraq between 2003 and 2013 is unknown, yet the rate and numbers of executions which took place rose constantly following the invasion. The increasing rate of executed people shows the disregard of the Iraqi authorities toward the most fundamental human rights, as well as its contempt regarding the numerous calls expressed by many United Nations officials regarding the use of death penalty in the current context.

In 2012, Iraq executes at will

In 2012, Iraq has come in third in the bid for the highest number of executions and finds itself atop the podium of the champion Executioner-States of the world.

The UNAMI report of June 2012 reveals that during the first 6 months of year 2012 alone, Iraq executed at least 70 persons, including two females. It also stresses that this number is sharply higher than in previous years; 67 executions in 2011 and 18 in 2010.

The same report describes the Iraqi justice system as lacking integrity; abuses of due process, convictions based on forced confessions, corruption and trial proceedings that do not respect international standards. The report states that “In Iraq, few convictions for serious offenses can be considered safe.”

On 19 January, 2012, 34 people, including two women, were executed in a single day

On 24 January 2012 High Commissioner for Human Rights Navi Pillay stated in a news release that she was shocked and called on the country to institute an immediate moratorium on the use of the death penalty;

“Given the lack of transparency in court proceedings, major concerns about due process and fairness of trials, and the very wide range of offences for which the death penalty can be imposed in Iraq, it is a truly shocking figure,” she added. “Most disturbingly,” said Ms. Pillay, “we do not have a single report of anyone on death row being pardoned, despite the fact there are well documented cases of confessions being extracted under duress.”

The High Commissioner also urged the Government “to halt all executions and, as a matter of urgency, review the cases of those individuals currently on death row.”

The death penalty can be imposed in Iraq for around 48 crimes, including a number of non-fatal crimes such as — under certain circumstances — damage to public property.

On 26 July 2012, the website of the Ministry of Justice of Iraq reported that the death sentences of 196 people had reached the final stage. A United Nations representative stated in an interview with the United Press International, on 27 July 2012, that it was an “extremely disturbing development” and that the Iraqi authorities did not provide public

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information about these cases, which the United Nations representative said “are part of a regrettable pattern.”

The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions said there were too many lives at stake and too little transparency for tolerance. "It is extremely disturbing that up to 196 individuals may be at imminent risk of execution, with a serious lack of public information on the cases," he said in a statement. "And this is in a single province of the country."

**On 27 August 2012, Iraq executed 21 people in a single day, including three women**

Two days later, five more detainees were put to death. The Iraqi authorities did not disclose any information about their identities and the charges against them. The Special Rapporteur on extrajudicial, summary or arbitrary executions in a United Nation Press Release dated 30 August 2012 in which he talked about that particular issue stated that "any death sentence undertaken in contravention of a Government’s international obligations in tantamount to an arbitrary execution", and that he was “appalled about the level of executions in Iraq”.

He noted that the continued lack of transparency about the implementation of the death penalty in Iraq, and the country's recent record, raises serious concerns about the question of what to expect in the future.  

**On 7 October 2012, Iraq executed 11 people, including an Algerian citizen, bringing the number of people executed in 2012 to at least 113**

On 30 November 2012, the Iraqi authorities executed 10 people, including an Egyptian citizen. Joe Stork, deputy director of the Middle East and North Africa division at Human Rights Watch, said in a statement last month that "The Iraqi authorities' insistence on carrying out this outrageous string of executions, while unwilling to reveal all but the barest of information, underlines the opaque and troubling nature of Iraq's justice system," He added that "Rather than executing people, Iraq should focus on reforming its security and judicial systems to protect its citizens from increasing human rights violations."

**On 3 December 2012, Amnesty International reported that four men were sentenced to death following the broadcast of their coerced confessions, taken while they were held incommunicado in pre-trial detention. These four men were detained between the end of March and early April 2012, they were reported to have been tortured for several weeks at the directorate of Counter-Crime in Ramadi, in Al-Anbar province.**

**On 9 December 2012, it was revealed that the Iraqi authorities were planning to execute a Yemeni citizen, aged 16 at the time of his arrest by the US forces in Iraq. The Iraqi authorities refused to disclose any information to his family on his actual situation and on the charges against him.**

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4 Death Row / Iraq: UN expert strongly condemns ongoing executions, reiterates call to halt them, op.cit.


7 European Parliament, Parliamentary Questions, 11 December 2012, Question for written answer to the Commission (Vice-President/High Representative), Rule 117, Fiorello Provera (EFD),
On 19 December 2012, the United Nations High Commissioner for Human Rights, Ms. Navi Pillay stated that “The number of executions so far in 2012, and the manner in which they have been carried out in large batches, is extremely dangerous and cannot be justified”. 8

**Death penalty as an “intentional state terror”**

In 2005, Parliament passed a terrorism law approving the death sentence not only for those who commit terrorist acts, but also for those who finance, provoke, plan, or enable such acts.

Furthermore, the terrorism law offered amnesty and anonymity to al-mukhbir al-sirri, (secret informer) who report alleged terrorist activities. Because of the false reports of the “secret informer,” many have been arrested without real offences and many have wrongly been executed. Detainees are tortured and forced to confess crimes or terrorist acts during pre-trial interrogations, confessions they later denounce in court.9 This has created a weak judicial process, where many Iraqis are detained and sentenced to death shortly after getting arrested.

In practice, since 2005, Iraqi officials have frequently made the case that strictly speaking no presidential decree is needed to implement a death sentence. In that and other cases, the deputies of the president signed presidential decrees, thereby completing the procedure specified in the constitution. The selection of Khudayr al-Khuzaie (a Daawa Party hardliner) as third deputy president was in part based on a desire by Shiite Islamists to have a presidential deputy that would be prepared to sign execution orders if president Talabani might be reluctant to do so.10

In 2006, at least 65 people were executed. In 2007, at least 199 people were sentenced to death and 33 executed. In 2008, at least 285 people were sentenced to death and at least 34 were executed, according to a report from Amnesty International dated 20 March 2009. The actual figures could be much higher as there are no available official statistics.11

Iraqi Prime Minister Nouri al-Maliki publicly called for the execution of all members of the previous Ba'ath administration of Saddam Husain, and other Iraqi government ministers also defended the use of the death penalty, including the Iraqi Human Rights minister.12 More than 900 people, including 17 women, were thought to be at risk of imminent execution in Iraq at the end of 2009. They had reportedly exhausted all forms of appeal and their death sentences were said to have been ratified by the Presidential Council.13

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The number of persons executed in 2009 was 124 persons - four of whom were women. Furthermore, according to the then Minister for the Interior, Jawad al-Bolani, in relation to terrorism offences alone, there are 14,500 persons who have been convicted; however, the numbers of those serving life sentences in addition to those who have been sentenced to death has not been publicly revealed.

According to UNAMI report of January 2011, the number of persons sentenced to death from 2003 to 1 December 2010 numbered encompassing 1106 men and 39 women UNAMI was able to confirm the observations made by many NGOs that the participation of attorneys, when present, is largely nominal. Several defendants, particularly those accused of serious crimes, testified to having suffered abuse at the hands of the police during the investigation phase in order to extract confessions.\textsuperscript{15}

Recommendation by the NGOs signatories to this statement:

- Ensure that all human rights violations in Iraq since 2003 be investigated by an international independent body.
- All measures must be taken to end the current state of impunity, both within Iraq, and with regard to the culpability and responsibilities of the occupying powers in particular.
- Appoint a UN Special Rapporteur for the Human Rights situation in Iraq.
- Request the High Commissioner to present to the Council a detailed report on the Human Rights violations in Iraq since 2003 according to UNAMI and the civil society reports.
- Request the Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on torture, and Special Rapporteur on the independence of judges and lawyers to focus on this matter in their reports.

William Shakespeare

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