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

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights and
Immigration, International-Lawyers.Org, Meezaan Center
for Human Rights, 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.

[3 February 2025]

* Issued as received, in the language of submission only.



Question of the Death Penalty in Iraq

Iraq faces a significant decline in human rights, particularly in civil and political freedoms. Despite international obligations and constitutional guarantees, authorities continue to undermine rights through restrictive laws, executive measures, and repressive security policies. The erosion of human rights extends across various sectors, affecting freedom of expression, electoral integrity, judicial independence, and international cooperation.

Capital punishment remains a legal penalty in Iraq and is actively enforced. It is very well documented that the use of torture to extract confessions, is a common practice in the country, besides the lack of access to legal counsel, and unfair trial procedures. Iraq has ratified the International Covenant on Civil and Political Rights (ICCPR) but has yet to adopt its Second Optional Protocol, which aims at abolishing the death penalty. Given these ongoing practices and concerns, there is an urgent need for Iraq to address the issues within its justice system and consider implementing a moratorium on the death penalty.

Executions and Forced Confessions

On 27 June 2024, More than 15 human rights experts of the UN Special Procedures said “The Government of Iraq’s systematic executions of prisoners sentenced to death based on torture-tainted confessions, and pursuant to an ambiguous counterterrorism law, amount to arbitrary deprivation of life under international law and may amount to a crime against humanity..”

Iraq continues to carry out executions despite international appeals to halt them. Detainees report systematic torture in detention centres, raising concerns about forced confessions leading to wrongful death sentences. Many inmates are subjected to inhumane treatment, including electric shocks, severe beatings, and prolonged solitary confinement. The government’s secrecy surrounding executions undermines transparency and human rights. Families of death row prisoners are often denied information about their relatives' status, and in many cases, they only learn about executions after they have been carried out.

Executions continue despite concerns about torture in detention centres and lack of judicial independence. Over 100 executions have been carried out in 2024, with thousands more on death row. Reports indicate secret executions without informing families, raising concerns about due process and transparency. Many detainees have reported forced confessions extracted under torture, further undermining the credibility of the judicial system. International human rights organizations have repeatedly called for a moratorium on executions, citing concerns over unfair trials and mistreatment of prisoners.

The alleged political use of death sentences, mainly against Sunni Iraqi males, is deeply troubling. “We insist that most of the crimes detailed in articles (2) and (3) of the Counterterrorism law no.13 of 2005 and based on which persons are being sentenced to death, fail to meet the threshold of the ‘most serious crimes’, rendering these executions arbitrary in nature,” the experts said.

International Oversight

Despite Iraq’s need for international assistance, the government has moved to terminate UN missions such as UNAMI and UNTAD, which play crucial roles in human rights monitoring. This decision coincides with efforts to suppress investigations into mass graves, suggesting political motives behind restricting international oversight. Human rights organizations fear that the removal of these missions will make it more difficult to document violations and push for accountability.

Legislative Restrictions

The Iraqi parliament has failed to legislate laws that protect freedom of expression. Instead, authorities push restrictive measures targeting journalists, activists, and NGOs. The proposed Freedom of Expression and Peaceful Assembly Law, if passed, would impose severe restrictions on political dissent. The law includes vague language that could be used to criminalize peaceful protests and public criticism of the government.

A draft cybercrime law contains provisions that criminalize criticism of political figures, while vague terms allow arbitrary enforcement. In 2023, authorities introduced digital content regulations that led to arrests under pretexts such as "low content." These regulations have been used to silence online activism, with numerous social media influencers, bloggers, and independent journalists facing detentions and fines. Furthermore, proposed amendments to the NGO law would grant the Prime Minister the power to dissolve organizations without judicial oversight, threatening civil society independence and discouraging foreign funding for humanitarian and human rights initiatives.

Activists and journalists face arbitrary lawsuits under broad provisions of the Penal Code, allowing authorities to target critics selectively. Protesters demanding job opportunities and political reforms face excessive force, including rubber bullets and tear gas. Arbitrary detentions, such as that of activist Humam Al-Qabbani, highlight the growing repression. Many detainees are held without formal charges or access to legal representation, violating fundamental due process rights.

State-controlled media policies suppress dissent, while independent organizations face threats. Government pressure on civil society groups increases, particularly before international human rights reviews, as seen in warnings against reporting on enforced disappearances. Human rights defenders working on documenting cases of torture and extrajudicial killings face harassment and threats from security agencies and armed groups.

Political Interference in Institutions

Professional unions and state institutions are dominated by ruling parties. The Iraqi Bar Association faced political intervention in replacing its elected president with another one loyal to these parties. Similarly, medical and educational unions have faced similar interference, undermining their ability to operate independently. The Human Rights Commission remains paralyzed due to political disputes, with no commissioners appointed for over four years. The absence of an independent and functioning commission weakens mechanisms for monitoring and addressing human rights violations.

Authorities have proposed amendments to existing laws that curtail freedoms, issued restrictive regulations, and filed lawsuits against activists and human rights defenders. The response to protests remains violent, often leading to casualties, with no accountability for security forces involved. Reports from human rights organizations indicate that security forces frequently use live ammunition and excessive force against demonstrators. Impunity for such actions is widespread, discouraging civic engagement and eroding trust in law enforcement institutions.

Political institutions and professional unions suffer from interference by ruling parties, leading to corruption and lack of transparency. Armed political groups continue to participate in elections despite legal prohibitions. Electoral violations, such as misuse of state resources and voter coercion, undermine public trust in the democratic process. The recent provincial elections witnessed significant fraud, including ballot-stuffing, intimidation at polling stations, and manipulation of electronic voting devices, with no investigations into allegations of vote manipulation. These issues contribute to a broader perception that elections do not reflect the true will of the people.

Electoral Violations

The 2023 provincial elections were marred by violations, including forced voting in areas controlled by armed groups and the misuse of government resources for political gains. Reports from election monitors indicate that security forces and militias influenced voter turnout by coercing citizens to vote for specific candidates. Voter coercion, vote-buying, and manipulation of results further eroded public confidence in the system. Technical failures in voting devices and delays in result announcements fueled allegations of fraud, but no significant investigations have been conducted to address these concerns. Political parties in power have also used state-run media to promote their candidates while restricting opposition access to broadcasting platforms.

Recommendations

1. Halt executions and investigate torture allegations, ensuring compliance with international human rights norms.
2. Ratify the Second Protocol to the International Covenant on Civil and Political Rights to demonstrate a commitment to ending the death penalty.
3. Stop prosecuting activists and release detainees arrested for free speech, ensuring protection for human rights defenders.
4. Prevent arbitrary use of the Penal Code against journalists and activists by reforming vague legal provisions that enable selective prosecution.
5. Enforce election laws to exclude armed political factions and hold violators accountable for electoral fraud.
6. Ensure independence in the Human Rights Commission appointments to restore credibility and effectiveness in human rights monitoring.
7. Protect unions from political interference and allow professional organizations to operate independently.
8. End impunity for violence against protesters by prosecuting security forces responsible for unlawful killings and excessive force.
9. Reinstate cooperation with UN missions to ensure continued international oversight and technical support for human rights reforms.
10. Amend laws to allow civil society oversight of prisons, ensuring transparency in detention conditions and judicial processes.
11. Disseminate human rights treaties and obligations through public awareness campaigns, ensuring citizens understand their rights and legal protections.

Iraq's human rights situation continues to deteriorate due to restrictive policies, judicial interference, and suppression of civil liberties. Urgent reforms and international pressure are necessary to ensure accountability, transparency, and respect for human rights. Without concrete steps toward reform, Iraq risks further political instability and loss of credibility on the international stage.

We appeal to the Human Rights Council to pressure Iraq in order to immediately halt all executions, ensure a fair retrial for prisoners on death row, particularly those accused of terrorism-related offences, and promptly initiate thorough and impartial investigations into all allegations of enforced disappearances, and torture and ill-treatment, in accordance with international standards. The results of such investigations must be publicly available.

Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), Organization for Justice & Democracy in Iraq (OJDI), NGO(s) without consultative status, also share the views expressed in this statement.